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ACCOUNTS AND PAPERS:

TWENTY-FIVE VOLUMES.

—(6.)—

NEW ZEALAND.

Session

4 February — 9 August 1845.

³³
VOL. XXXIII.

1845.

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1845.

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NEW ZEALAND.

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RELATIVE TO THE

A F F A I R S O F N E W Z E A L A N D .

[PRESENTED BY HER MAJESTY'S COMMAND.]

*Ordered, by The House of Commons, to be Printed,
4 February 1845.*

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PAPERS RELATIVE TO THE AFFAIRS OF NEW ZEALAND.

—No. 1.—

(No. 31.)

COPY of a DESPATCH from Lord *Stanley* to Governor *FitzRoy*.

Sir,

Downing-street, 13 August 1844.

IN my despatch, No. 27, of 30th ultimo, I enclosed to you the report and proceedings of the Committee of the House of Commons, appointed to inquire into the state of New Zealand, and into the proceedings of the New Zealand Company. On reference to the proceedings, you will perceive that the Committee were far from unanimous in their opinions, and that some of the most important of their decisions, including one upon the selection between two sets of Resolutions, as the basis of their Report, were sustained by very narrow majorities.

Lord Stanley to
Governor Fitz-
Roy, 13 August
1844.

Nevertheless, I cannot but apprehend that this Report, carrying with it, as it must be admitted to do, the authority of a Committee of the House of Commons, may add to the difficulties of your position, less indeed by the practical measures which it recommends than by the principles which it lays down, and on which it proceeds,—principles which I know to be opposed to your own views, and which, if you were to attempt to carry them into practice, would, I fear, lead to most unhappy consequences.

The Report, you will observe, proceeds upon the assumption that “the uncivilized inhabitants of any country have but a qualified dominion over it, or a right of occupancy only, and that until they establish amongst themselves a settled form of Government, and subjugate the ground to their own uses by the cultivation of it, they cannot grant to individuals, not of their own tribe, any portion of it, for the simple reason that they have not themselves any individual property in it:” and the Committee add, “that if the view which they have thus taken of the right of the Crown to the whole of the unoccupied soil of New Zealand, and of the nullity of all private purchases of land from the natives, be a correct one, and if this were also the view of the then Secretary of State at the time that the arrangement with the New Zealand Company was concluded, it follows, as a matter of course, that by that arrangement it must have been intended to give to the Company a claim, binding in good faith upon the estate of the Crown to the number of acres awarded to them by Mr. Pennington, and that this claim could not in any way be affected by the character of those supposed purchases from the natives, which it was the very object of the whole arrangement to set aside as altogether null and invalid.”

See p. 6.

See p. 9.

I am not sure that were the question one of mere theory, I should be prepared to subscribe unhesitatingly, and without reserve, to the fundamental assumption of the Committee; and I am sure that it would require considerable qualification, as applicable to the aborigines of New Zealand. There are many gradations of “uncivilized inhabitants,” and practically, according to their state of civilization, must be the extent of rights which they can be allowed to claim, whenever the territory on which they reside is occupied by civilized communities. And it cannot be denied that, among “uncivilized nations,” the New Zealanders hold a very high place, certainly far above the inhabitants of the other Australian Colonies.

The aborigines of New Holland generally are broken into feeble and perfectly savage migratory tribes, roaming over boundless extents of country, subsisting from day to day on the precarious produce of the chase, wholly ignorant of or averse to the cultivation of the soil, with no principles of civil government, or recognition of private property, and little, if any, knowledge of the simplest forms of religion, or even of the existence of a Supreme Being. It is impossible to admit, on the part of a population thus situated, any rights in the soil which should be permitted to interfere with the subjugation by Europeans of the vast wilderness over which they are scattered; and all that can be required by justice, sanctioned by policy, or recommended by humanity, is to endeavour, as civilization and cultivation extend, to embrace the aborigines within their pale, to diffuse religious knowledge among them, to induce them, if possible, to adopt more settled modes of providing for their subsistence, and to afford them the means

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Governor Fitz-
Roy, 13 August
1844.

of doing so, if so disposed, by an adequate reservation of lands within the limits of cultivation. But the position of the New Zealanders of the Northern Island, at the time of its occupation by Great Britain, was the reverse of all this. Comparatively speaking, their territory was not of vast extent, though unquestionably far more than sufficient, under any circumstances, for the actual population. Their main, though not their sole subsistence, was derived from agriculture, rude, indeed, but continuous: rights of property, as between tribe and tribe, and of individuals of each tribe *inter se*, were recognized and well understood; they had been for many years in intercourse with English traders and with Christian missionaries; many of them had adopted Christianity; many were acquainted with the English language and with letters, and at this moment a Maori Gazette is published in New Zealand, and widely circulated among them.

I cannot think that it would be either just or practicable to apply the same rule, with regard to the occupation of land, to classes of aborigines so widely differing from each other.

But whatever may be the right theory, it is indisputable that in practice a distinction has been drawn by the Acts of the British Government.

See Parl. Papers
of 1840, p. 37.

Up to 1839 this country recognized the chiefs of New Zealand as the heads of an independent community; and when in that year the unauthorized settlement of the country had rendered necessary the interposition of some higher authority, the Marquis of Normanby, then Secretary of State, expressed his concurrence in the view taken by a Committee of the House of Commons in 1836, "that the increase of national wealth and power, promised by the acquisition of New Zealand, would be a most inadequate compensation for the injury which must be inflicted on the kingdom itself, by embarking in a measure essentially unjust, and but too certainly fraught with calamity to a numerous and inoffensive people, whose title to the soil, and to the sovereignty of New Zealand, was indisputable, and had solemnly been recognized by the British Government." He repeated, on the part of the Government, the acknowledgment of New Zealand, "as a sovereign and independent state, so far, at least, as it was possible to make that acknowledgment in favour of a people composed of numerous dispersed and petty tribes, who possessed few political relations to each other, and were incompetent to act, or even to deliberate in concert; but that the admission of their rights, thus qualified, was binding on the faith of the British Crown;" and he also "disclaimed on the part of the Queen, for herself and for her subjects, every pretension to seize on the islands, or to govern them as a part of the dominion of Great Britain, unless the free and intelligent consent of the natives, expressed according to their established usages, should be first obtained;" and, acting on this view, the British Government directed their agent to accept from the chiefs the grant of sovereignty on conditions which were subsequently embodied in an instrument bearing date the 6th February 1840. By the second article of this instrument, which was officially promulgated and laid before Parliament, "Her Majesty the Queen of England confirms and guarantees to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive and undisturbed possession of their lands and estates, forests, fisheries and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession. But the chiefs of the united tribes, and the individual chiefs, yield to Her Majesty the exclusive right of pre-emption over such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them on that behalf."

See Parl. Papers
of 1840, p. 37.

See Parl. Papers
of 1840, p. 38.

See Parl. Papers
of 1841, p. 9.

Personally, neither you nor I are interested in now considering whether this policy were wise or unwise. Before the present Government assumed any responsibility for the affairs of New Zealand, not only had these steps been taken and obtained the sanction of Parliament, but an officer had been appointed to administer the Government; laws had been passed by a local legislature for regulating titles to land; Commissioners had been sent out for the settlement of those titles, subject to enactments previously passed, and guided by instructions issued by my predecessor. Nor does it seem to me that such an inquiry is useful for any practical purpose, in reference to the future. What you and I have to do is to administer the affairs of the colony in reference to a state of things which

which we find, but did not create, and to feelings and expectations founded, not upon what might have been a right theory of colonization, but upon declarations and concessions made in the name of the Sovereign of England.

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Governor Fitz-
Roy, 13 August
1844.
Page 9, Report.

You will observe, indeed, that the Committee admit that "erroneous as they believe the policy hitherto pursued to have been, they are sensible of the great difficulty which may now be experienced in changing it; and bearing in mind the great distance of these islands, and the consequent impossibility of knowing what may be the state of affairs there, when any instructions that may be sent out shall reach the Governor, they are not prepared to recommend that he should be peremptorily ordered to assert the rights of the Crown as they believe them to exist; all they advise is, that he should have clearly explained to him what those rights are, and the principles on which they rest, and should be directed to adopt such measures as he may consider best calculated to meet the difficulties of the case, and to establish the title of the Crown to all unoccupied land as soon as this can be safely accomplished."

The Committee state elsewhere, "We have observed that the terms of the treaty are ambiguous, and, in the sense in which they have been understood, have been highly inconvenient; in this we refer principally to the stipulations it contains with respect to the right of property in land: the information which has been laid before us shows that these stipulations, and the subsequent proceedings of the Governor founded upon them, have firmly established in the minds of the natives notions which they had then but very recently been taught to entertain of their having a proprietary title of great value to land not actually occupied." I cannot overlook the fact, that your measures must be framed in reference to the existence of such notions founded on interpretations of law and treaty hitherto admitted by the authorities at home and on the spot, and entertained by a high-spirited, warlike and well-armed race of people, confident in British justice, and whom it is most important, by a conciliatory course, to bring into more close connexion with, and more complete subjection to British authority.

The extent to which native rights to land might be admitted was, as you may remember, matter of frequent and anxious discussion between us previous to your departure from England; and you are aware that, feeling the information necessary for the purpose not to be within my reach in this country, I constantly refused to the New Zealand Company to define authoritatively here so difficult and important a question. On the one hand, to restrict those rights to lands actually occupied for cultivation appeared to me wholly irreconcilable with the large words of the treaty of Waitangi: "lands and estates, forests, fisheries and other properties which they may collectively or individually possess," and of which, "the full exclusive and undisturbed possession" is thereby "confirmed and guaranteed to them." The claim of the Crown to all "unoccupied" land, to the exclusion of the natives, appeared to me not less at variance with the directions of the Marquis of Normanby to Captain Hobson, "to obtain by fair and equal contract with the natives the cession to the Crown of such waste lands as may be progressively required for the occupation of settlers," and to apply the proceeds of the "re-sales of the first purchases" to the provision of funds necessary for future similar acquisitions. It must be remembered, that these directions had not only been promulgated, but acted upon in the colony at an early period after the sovereignty had been assumed.

Lastly; it appeared to me inconsistent with the practice of these tribes, who, after cultivating, and of course exhausting, a given spot for a series of years, desert it for another within the limits of the recognized property of the tribe.

On the other hand, I had no doubt that on your arrival in New Zealand, you would find that there were considerable tracts of country to which no tribe could establish a *bonâ fide* title; and still more extensive districts, to which, by personal communication with the chiefs, you would obtain a title on easy terms and by amicable arrangements. I had thus in some measure anticipated the wish of the Committee, but I cannot go with them in directing you "forthwith to establish the title of the Crown to all unoccupied land," except, indeed, under the extensive qualification of the following words of the Report, "as soon as this can be safely accomplished."

On this fundamental point depends the whole of the arrangement with the New Zealand Company, to which I must now advert; and in reference to which, I do not think that the Report of the Committee renders it necessary

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Resolution 4.

Resolution 5.

See Committee
Papers, p. 20. 22.

See Committee
Papers, p. 36.

See Committee
Papers, p. 93.

that I should in any way modify the instructions which you have already received. I do not think it would answer any useful purpose to discuss the terms of the original agreement with the Company. I retain my fixed opinion, that that agreement was based upon the assumption that the Company had obtained, by purchase from the natives, a much larger tract of land, of which they consented to receive a portion by grant from the Crown. The Committee have recorded their opinion, "That the New Zealand Company has a right to expect to be put in possession, by the Government, with the least possible delay, of the number of acres awarded to it by Mr. Pennington; that the Company has this right as against the estate of the Crown, without reference to the validity or otherwise of its supposed purchases from the natives, all claims derived from which have been surrendered;" adding, "that the Company, in selecting the land to be granted by the Crown within the defined limits, cannot claim the grant of any land not vested in the Crown."

On this subject I have only to advert to the letter from my Under-secretary to the Governor of the Company, of the 10th of January 1843, in which I made an offer, rejected by them on the 24th January, to instruct the Governor "to make to them a conditional grant, subject to prior titles, to be established as by law provided, not only of such portion of the Wellington settlement as is in the actual occupation of settlers under them, but also of all parts not in the occupation or possession of others; the extent of such grant, of course, not to exceed that to which they are entitled under Mr. Pennington's award:" to the subsequent letter from Mr. Hope to Mr. Somes, of the 1st February 1843, and to my instructions to yourself, which I had reason to believe, when they were issued, were acceptable to the Company. Those instructions authorized you, in substance, to make grants to the Company, and to their settlers, of land to be selected by themselves, within the districts specified in the arrangement with Lord John Russell, so far as the Crown had power to make such grants; that is, subject to the condition that such lands were vested in the Crown, and that no other parties could establish a valid claim to them.

This direction was repeated in my despatch to you of the 26th of June, and appears to me practically to fulfil the intentions of the Committee, as embodied in their 4th and 5th Resolutions; for while they assert the right of the Company as against the estate of the Crown, they as distinctly negative the right to select any land not vested in the Crown. The question then ultimately resolves itself into the inquiry, whether any particular lands be so vested; and I see no mode of settling this question but by the conditional grant, which you are already instructed to make, giving to the Company and its settlers the benefit of a *prima facie* title; but not debaring other parties from substantiating by law a prior title. You have already been instructed further to use your influence in obtaining for actual settlers, on fair and reasonable terms, the possession of lands on which they may have effected improvements, even though an adverse title should be substantiated; and to these instructions I have nothing to add, nor does the Committee, I think, suggest any practical solution of the difficulty. I am not without hopes that before the Report of the Committee reaches you, you may have been enabled, in pursuance of the instructions which you have already received, to place this question on a satisfactory footing.

You will carefully consider the suggestion thrown out by the Committee in their 7th Resolution, of raising a revenue, and at the same time of checking an inordinate accumulation of waste land in the hands of individuals, by imposing a tax (subject to the conditions and exemptions there specified), of 2*d.* per acre, or any other sum, upon all lands in the colony. You will observe, that from this tax it is proposed, by the 8th and 9th Resolutions, to exempt the lands of the New Zealand Company "so long as they shall continue to sell not less than one twenty-fifth of the land granted to them annually, and to expend a fixed proportion of the proceeds in emigration," and also lands actually occupied and enjoyed by the natives, as reserves set apart and held for their benefit." It is of course intended that the tax should apply to all lands claimed as the property of native tribes, and not in actual cultivation; and, I presume, it is contemplated that non-payment of the tax shall be followed by confiscation of a portion of the lands equivalent to the amount of the tax unpaid. I think it will be very difficult to apply the principle to the remoter tribes, which are only partially subject to our authority; and with respect

respect to all, its application would require the greatest caution. I wish, therefore, to leave you an unfettered discretion on this point, though, if it can be peaceably effected, it would appear to suggest an easy mode of obtaining a large amount of disposable land in commutation or redemption of the tax upon the remainder.

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The Committee (page 11, of their Report) lay great, and, as it seems to me, very just stress upon the adoption of a good system of native reserves. I agree with them in opinion that the natives should be encouraged as far as possible to settle upon land reserved for them, interspersed with the lands of European settlers, rather than in large and detached blocks, wholly isolated; but this is an object which can be only gradually accomplished, and which you must induce the natives to adopt of their own accord, and to which you cannot drive them by force. I understand, indeed, that the local government has already acted upon this plan, and also anticipated the suggestion of the Committee to lease to Europeans, if they can be induced to take them, portions of the land reserved for the benefit of the aborigines, which they may not require for their immediate occupation. With regard to the reserves within the Company's territory, the Committee express an opinion by their 10th Resolution, "that these reserves ought not to be included in calculating the amount of land due to the Company;" but I do not find this subject adverted to in the Report, nor any reason assigned for the conclusion at which the Committee appear to have arrived.

You will perceive that the Committee, by their 11th Resolution, advert to the confusion and mischief which has been stated by the witnesses to have arisen from the non-settlement of the land claims, and recommend that measures should be adopted for "granting legal titles with the least possible delay to the actual occupants of land, except under special circumstances of abuse."

It is probably not necessary that I should now recall to your recollection the importance which, in our discussions before you left this country, I attached to an early settlement of land claims generally. I trust that before this can reach you, the titles of all who may have been able to substantiate their claims according to the provisions of the Land Claims' Ordinance, will have been fully confirmed, and the necessary title-deeds been issued to them. The resolution of the Committee, however, appears to point to cases of occupation by parties without legal claims.

It is difficult, without fuller information than I possess as to the number of persons so occupying, the history of the means by which that occupation was acquired, and the extent of it, to give you any precise instructions on the subject. I can only, therefore, state generally my wish that such persons should be dealt with in the spirit recommended by the Committee, in as far as it is practicable to do so consistently with the provisions of the Imperial Land Sales Act, 5 & 6 Vict., c. 36.

You will not fail to observe an opinion strongly expressed by the Committee, Resolution 12. "that the prohibition to all private persons to purchase land from the natives ought to be strictly enforced, except that land which may have been purchased by natives, they should be at liberty to sell again, provided the transaction be sanctioned by the Protector." There can be no doubt of the necessity of imposing such restrictions on the sale of land as should preclude the possibility of the Government being outbid in its negotiations with the natives by private settlers; but you appear to entertain an opinion that a mode might be devised by which parties might be allowed to purchase directly from the natives, the purchaser paying to the Government on each sale such an amount as would be fully equivalent to the ordinary difference between the price paid to the natives and that at which land is sold by Government. Until I shall have learnt whether you have taken any and what steps in this direction, I abstain from doing more than calling your attention to the opinion of the Committee.

Before I quit this subject, I must add, that with every wish to maintain for the natives all their just rights, I cannot but think that some of those by whom they have been advised have formed, and encouraged them to form, exaggerated notions of the value of land, and have sanctioned claims for compensation which certainly appear extravagant. I have not received accounts of any circumstances of this kind subsequent to your arrival in the colony; and I am sure that you would feel it your duty to discourage any exorbitant or unreasonable demands

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demands upon the settlers, by whose presence and exertions, it must be remembered, the present high value has been given to the possession of land which before the arrival of Europeans bore a very inconsiderable money value. It would, I think, be easy to show, that while it is our bounden duty to protect the natives against aggression, it would not tend to their real advantage to encourage them to expect inordinate payments for their land, while such a system must have the effect of checking the spread of European immigration, on which, if properly controlled and regulated, the prosperity of New Zealand as a British possession must mainly depend.

With regard to military and naval protection, touched on by the 13th Resolution, the Board of Admiralty had already, as you are aware, under my directions, sanctioned the continued presence of some vessel of war; but, adverting to the calls which are made for steam-vessels in every direction, and to the enormous expense of maintaining them, I cannot hold out to you the expectation that Her Majesty's Government will have it in their power to accede to the recommendation of the Committee, that an armed steamer should be constantly at your disposal, unless Parliament shall be willing to appropriate funds specially for this purpose; nor can I hold out the expectation of a large increase of your military force. On this subject we had full explanations previous to your departure. There is no army in the world which is called upon to perform such severe duties as ours in time of peace; every addition to the colonial service renders necessary a corresponding increase in the force at home, in order to maintain a system of reliefs, which is absolutely necessary to the comfort of the men and discipline of the service; and there is nothing which has so pernicious an effect upon that discipline, as the system necessarily resorted to in the colonies, of breaking up the military force into small detachments stationed at remote points for the protection of scattered settlements, and affording scanty opportunities for supervision by superior officers. I conceive that the character of the settlements in New Zealand renders it peculiarly necessary to guard against this evil, and the military force at your disposal must not only continue limited in amount, but must also be kept as much as possible concentrated, and only applied in extreme emergencies.

If, indeed, it had been my duty to instruct you to act upon the principle laid down by the majority of the Committee, of considering all unoccupied lands as vested in the Crown, and of confining the native tribes to such portions as they are actually enjoying and occupying, I should have felt that a very large increase of both military and naval force was requisite, and should have looked forward with apprehension to the results of the alienation and hostility which such a measure would engender between the two races; but I rejoice to see that the Committee abstain from recommending that you should act on the principle which they lay down, and, for my own part, I cannot take on myself the responsibility of prescribing to you a course which, I believe, would neither be consistent with justice, good faith, humanity or policy.

I discussed with you personally the subject of the establishment of a militia, adverted to in the 14th Resolution, or of an armed police force on the footing of the Irish constabulary; and directed your attention to a short despatch of Lord John Russell's in 1840, suggesting this subject for the consideration of the local legislature, and promising further instructions upon it. It does not appear that such instructions were subsequently transmitted; nor have the legislature, so far as I am aware, directed their attention to the subject. It was brought to your notice by my despatch of the 11th of March 1844, and I do not doubt but that on the receipt of that despatch you will have acted on the instructions conveyed in it, if you had not anticipated them.

I entirely concur in the wish expressed by the Committee in their 16th Resolution, that the natives should, as far as possible, be employed in the civil service of the Government; and I need not remind you of your own avowed determination to endeavour to act upon this principle, and gradually to incorporate them into the European society; conferring on their chiefs such petty marks of distinction, and such degree of authority as they might be trusted to exercise, and employing the natives generally in the duties of messengers, police, and other subordinate situations, implying however a certain amount of confidence. Whether it would be possible or safe to embody natives as a military force, either mixed with the settlers, or as a native corps, officered by Europeans, as suggested by the Committee in their 15th Resolution, is a question involving very important

important considerations, and requiring much more local knowledge than I am possessed of, to form a correct judgment.

The only remaining Resolution of the Committee upon which it appears to me necessary that I should address you is the 17th, which recommends, "that efforts should be made gradually to wean the natives from their ancient customs, and to induce them to adopt those of civilized life, upon the principle recommended by Captain Grey in his report on the mode of introducing civilization amongst the natives of Australia."

Knowing, as I do, the deep interest which you take in all that relates to the welfare of the natives of New Zealand, it would be, I feel, superfluous on my part to press upon your attention the importance of the subject of this Resolution.

The Committee, in referring to the report of Captain Grey, evidently can do so only with reference to the adoption of the general principle upon which he proposes that his system should rest; the details of his plan are obviously unsuited to the character and habits of the natives of New Zealand, differing as they do most widely from those of the aborigines of the continent of Australia.

The difficulties with which the Governors of the other Australian colonies have to contend in inducing the natives to adopt a settled life, to resort to cultivation of the soil, and to engage in the occupation of Europeans, do not exist with you; and the rewards which he holds out to settlers for the permanent employment of natives in their service, and other leading features of his scheme, are obviously wholly inapplicable to New Zealand.

The principle upon which Captain Grey proceeds, viz. that of bringing as speedily as possible the aboriginal inhabitants of the country under similar laws with the Queen's native born subjects, and into habits of civilized life, is one to which, as you are well aware, I fully assent, and which no one has more warmly at heart than yourself.

I am quite sensible that in endeavouring to effect these objects, it may be necessary to temper the strict application of the penalties of British law with much discretion and forbearance. Under certain circumstances, indeed, I am afraid it may be inevitable to consider, before interfering with native customs, which are in themselves objectionable, how far the means of coercion at your disposal may render it prudent for you to take steps for that purpose, which in case no resistance was to be apprehended you would not hesitate to adopt. Difficult, however, as the task may be, I trust that your endeavours to effect it will be unremitting; and I cannot but hope that by firm and judicious conduct, by inspiring a respect for the rights which are guaranteed, and a dread of committing the offences which are prohibited by British law, at the same time that you convince their minds of its justice, by making them feel that in their persons and properties they enjoy full protection, you may gradually wean the native tribes from their savage habits, render them submissive to British law, and incorporate them in the community of British subjects.

I have, &c.
(signed) *Stanley.*

Lord Stanley to
Governor Fitz-
Roy, 13 August
1844.

—No. 2.—

(No. 32.)

COPY of a DESPATCH from Lord *Stanley* to Governor *FitzRoy*.

Sir,

Downing-street, 17 August 1844.

I ENCLOSE you copies of a correspondence between this office and the Board of Admiralty, relative to furnishing a steam-vessel for the service of your government.

I am wholly uncertain as yet, what course it may be found advisable or possible to adopt with reference to this question; but, adverting to the statement annexed to the letter from the Admiralty of this day's date, of the expense of the past maintenance of such a vessel as they would consider suited to the service, I should wish to receive your opinion, founded on your professional and local experience, what amount annually would be required in order to make provision for the object in view.

I am, &c.
(signed) *Stanley.*

Lord Stanley to
Governor FitzRoy,
17 August 1844.

Col. Off., 12 Aug. 1844.
Adm., 13 Aug. 1844.
Col. Off., 17 Aug. 1844.
Adm., 17 Aug. 1844.

Enclosure 1.

Sir,

Downing-street, 12 August 1844.

Enclosure 1.

I AM directed by Lord Stanley to request that you will call the attention of the Lords Commissioners of the Admiralty to the 13th Resolution of the Select Committee of the House of Commons on New Zealand, videlicet:—"That it is highly important that the Governor should have more effectual means of enforcing obedience to his authority, and also greater facility for visiting the different settlements; and that with this view, it is expedient that an armed steamer of a moderate size be placed at his disposal."

Lord Stanley is fully alive to the importance of this recommendation being complied with, if the exigencies of the public service admit of it.

His Lordship would therefore wish to be informed whether the Lords Commissioners have any vessel of the description alluded to, which could be made available for this purpose; it being necessary that it should, besides being equipped as an armed steamer, be capable of carrying from 180 to 200 troops on board.

The presence of such a vessel in New Zealand would, of course, supersede the necessity of any other vessel being stationed there, as arranged by the correspondence noticed in the margin.

The Hon. Sydney Herbert, M.P.

I am, &c.

(signed) *G. W. Hope.*

Mr. Stephen, 28
June 1843.
Sir John Barrow,
24 August 1843.
Mr. Hope, 30
August 1843.
Sir John Barrow,
30 August 1843.

Enclosure 2.

Sir,

Admiralty, 13 August 1844.

Enclosure 2.

HAVING laid before my Lords Commissioners of the Admiralty your letter of the 12th instant, calling the attention of my Lords to the 13th Resolution of the Select Committee of the House of Commons on New Zealand, and signifying the request of Lord Stanley to be informed with reference thereto, whether the Admiralty have any vessel which could be made available to the purpose therein alluded to; I am commanded to acquaint you, for the information of Lord Stanley, that my Lords cannot furnish a steam ship of war for the service of New Zealand only; but should Lord Stanley deem it necessary that one of Her Majesty's steam ships should be supplied to the colonial department, to be sent out to that colony, the expense thereof and of her manning and maintenance to be borne by the colony, my Lords could order a steam vessel to be so turned over to the colonial department.

G. W. Hope, Esq., Colonial Office.

I am, &c.

(signed) *Robert J. Evans, pro Sec.*

Enclosure 3.

Sir,

Colonial Office, 17 August 1844.

Enclosure 3.

WITH reference to your letter of the 13th instant, relative to furnishing a steam-boat for the service of the colony of New Zealand, I am directed by Lord Stanley to request you will supply his Lordship with an estimate of the cost which would be incurred by the colony, were the suggestion made in your letter adopted, and the charge of the maintenance of such a vessel undertaken by the local government.

Sir John Barrow, Bart.,
&c. &c. &c.

I am, &c.

(signed) *G. W. Hope.*

Enclosure 4.

Sir,

Admiralty, 17 August 1844.

Enclosure 4.

IN compliance with the request contained in your letter of this date, I am commanded by my Lords Commissioners of the Admiralty to send herewith, for the information of Lord Stanley, a detailed statement of the expense of Her Majesty's steam-vessel "Volcano" (supposed to be of the class likely to be required for the service of New Zealand), during the last three years, observing that in the first year she had a refit.

G. W. Hope, Esq.,
&c. &c. &c.

I am, &c.

(signed) *H. F. Amedroz,*
pro Secretary.

TOTAL COST of Her Majesty's Steam Vessel "Volcano," from 1 April 1841 to 1 April 1843.

	1841.	1842.	1843.
	£.	£.	£.
Hull - - - - -	1,701	1,361	412
Masts and yards - - - - -	130	38	31
Rigging and sails and stores - - - - -	653	447	348
Coals - - - - -	778	1,044	528
Machinery - - - - -	2,551	79	80
Wages and victuals - - - - -	3,188	3,188	3,188
TOTAL - - - £.	9,001	5,157	4,587

NEW ZEALAND.

P A P E R S

RELATIVE TO THE

AFFAIRS OF NEW ZEALAND.

[*Presented by Her Majesty's Command.*]

Ordered, by The House of Commons, to be Printed,
4 February 1845.

1.

Under 2 oz.

NEW ZEALAND.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 11 March 1845;—for,

COPIES of all CORRESPONDENCE between the Colonial Office and the Governor of *New Zealand*, respecting the Issue of DEBENTURES, and the rendering them a Legal Tender.

(Governor FitzRoy's Despatches to Lord Stanley, 26th March and 15th April 1844. No information received as to rendering Debentures a Legal Tender.)

Of all CORRESPONDENCE between the same, respecting the TAXES proposed in the Legislative Council of that Colony.

(Governor FitzRoy's Despatches to Lord Stanley, 8th and 15th January 1844. No information received as to the nature of the Taxes proposed.)

Of all CORRESPONDENCE between the same, respecting recent OUTRAGES by the Natives in the *Bay of Islands*, and the Abolition of the Custom-house of that District.

(Nil.)

Of all CORRESPONDENCE respecting the measures taken by the Governor of *New Zealand*, in pursuance of Mr. Hope's Letter of 12th May 1843, respecting the Grant of a Conditional Title to the Lands of the New Zealand Company.

(Governor FitzRoy's Despatch to Lord Stanley, 15th April 1844.)

Of all CORRESPONDENCE respecting the Disallowance, by the Governor of *New Zealand*, of any Awards made by Commissioner of Land Claims, respecting the Company's Lands.

(Nil.)

And of all CORRESPONDENCE relating to a PROCLAMATION, of the 26th of March 1844, issued by the Governor of *New Zealand*, allowing the Sale of Land by the Natives.

(Governor FitzRoy's Despatch to Lord Stanley, 15th April 1844.)

Colonial Office, Downing-street, }
14 March 1845.

G. W. HOPE.

(Mr. Somes.)

Ordered, by The House of Commons, to be Printed,
14 March 1845.

SCHEDULE.

No.	DATE.	SUBJECT.	PAGE.
1. Governor FitzRoy to Lord Stanley	11 Jan. 1844	Answer to Lord Stanley's Despatch, 13 March 1843; Financial State of the Colony - - -	3
2. Governor FitzRoy to Lord Stanley	15 Jan. 1844	Encloses Estimates of Revenue and Expenditure of New Zealand for 1844 - - -	6
3. Governor FitzRoy to Lord Stanley	26 Mar. 1844	Advises that the Governor has drawn Bills upon the Treasury for 945 <i>l.</i> 15 <i>s.</i> - - -	12
4. Governor FitzRoy to Lord Stanley	15 April 1844	Financial State of the Colony; Issue of Debentures - - -	12
5. Lord Stanley to Governor FitzRoy	27 Oct. 1844	In reply to preceding Despatch -	16
6. Governor FitzRoy to Lord Stanley	15 April 1844	Narrative of his proceedings to the 15th April (with Enclosures).—(A.) and (B.) Translation of Letters from New Zealand Chiefs to Governor FitzRoy.—(C.) Conference with the principal Agent of the New Zealand Company, relative to their Land Claims.—(D.) Warrant issued by the Magistrates at Nelson against Rauparaha and Rangihaeata.—(E.) Minutes of the Proceedings with the New Zealand Chiefs at Waikanae, 12th February 1844.—(F.) Mr. Tucket's account of certain circumstances preceding the Wairau affray.—(G.) Letter from Governor FitzRoy to Sir E. Home, on his departure from New Zealand.—(H.) Proceeding, at a sitting of the Court of Claims, before Mr. Commissioner Spain, held at Wellington, 23 February 1844.—(K.) Letter from the Private Secretary to the Governor, to the Principal Agent of the New Zealand Company, inclosing Copies of Instructions relative to the purchase of 150,000 acres of land at Wairarapa, and 250,000 acres in other places, by the New Zealand Company.—(L.) Papers relative to the rescue of a Native from the Court-house, Auckland.—(M.) Address to the Native Chiefs and others assembled at Government House, Auckland, on the 9th March 1844.—(N.) Minutes of the Executive Council, appointing Mr. Fitzgerald a Commissioner of Land Claims.—(O.) Minutes of a meeting of Native Chiefs at Government House, Auckland, 25 March 1844.—(O. 1.) Minute of Executive Council respecting the Regulations for the Exchange of Land.—(P.) Minutes of Executive Council respecting the arrangement for enabling the Aboriginal owners to sell their Lands; Proclamation by Governor FitzRoy, 26 March 1844; Regulations respecting the Exchange of Land; Proclamation by Governor FitzRoy, 26 March 1844, reserving the right of Pre-emption over certain limited portions of Land in New Zealand - - -	18
7. Lord Stanley to Governor FitzRoy	30 Nov. 1844	Reply to Governor FitzRoy's Despatch, 15 April 1844 - -	49
8. Lord Stanley to Governor FitzRoy	3 Feb. 1845	Expressing disappointment at not receiving further information of the matters contained in the Despatch of 15 April 1844, and requiring explanation with respect to the Troops sent from New South Wales to assist in quelling disturbances in New Zealand	57

CORRESPONDENCE.

— No. 1. —

(No. 1.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

My Lord,

Auckland, New Zealand, 11 January 1844.

IN obedience to the instructions contained in your Lordship's despatch of the 13th of March 1843 (No. 24, addressed to the Officer administering the Government of New Zealand, and received by him on the 30th October), and to the personal communications with which I was honoured by your Lordship prior to my departure from England in June last. I have to advise your Lordship of my having drawn and negotiated the several sets of bills of exchange upon the Lords Commissioners of Her Majesty's Treasury, which are herein specified, amounting together to the sum of Two thousand eight hundred and Fifty pounds sterling, being for salaries.

No. 1.
Governor *FitzRoy*
to Lord *Stanley*,
11 Jan. 1844.

For Lord *Stanley's* Despatch, 13 March 1843.
The Papers ordered by
The House of Commons
to be printed, 24 March
1843, No. 184, p. 43.

Sets of Bills.

Nos. 1 to 4, for	-	-	£. 500 each	-	-	£. 2,000
„ 5	-	-	250	-	-	250
„ 6	-	-	300	-	-	300
„ 7	-	-	200	-	-	200
„ 8	-	-	100	-	-	100

TOTAL - - - £. 2,850

I have endeavoured to effect the negotiation of these bills through the Colonial Treasurer, on terms as little unfavourable as possible, but those terms are:—the rate of discount governing the Sydney market at the time of the first of the said bills arrival there, and one-half per centum additional. When I left Sydney, on the 10th ultimo, the rate of discount was five per centum on unexceptionable bills.

It is my intention to draw for about 2,000 *l.* more in a few days.

Out of the 7,545 *l.* 15 *s.* voted by Parliament, in aid of the revenue of New Zealand, during the years 1843–4, the Officer lately administering the Government has drawn for 2,303 *l.* 15 *s.*, which sum, together with the Bishop's salary (600 *l.*), already defrayed by the Commissariat department at Sydney, and the necessary charges on account of income tax, — deducted from 7,545 *l.* 15 *s.*, leaves only 4,480 *l.* to be drawn for.

£.	s.	d.
2,303	15	-
600	-	-
162	-	-
3,065	15	-
7,545	15	-
£. 4,480	-	-

I take this opportunity of informing your Lordship, that the existing liabilities of this colony, exceeding all assets, are, in round numbers, about Twenty-four thousand pounds, of which, about Twelve thousand pounds are due on account of emigration alone, and must be defrayed as soon as possible, in conformity with your Lordship's instructions (No. 24, 13th March 1843), from the produce of sales of land.

£. 24,000.
£. 12,000.

The ordinary revenue of the colony, during the year 1843, has been about 26,000 *l.*, of which 6,000 *l.* are arrears of other years.

It will be absolutely necessary to ask for assistance from the Imperial Treasury, for the service of the year 1844–5, but I am not yet sufficiently informed of the actual prospects and probable resources of the colony, to be enabled to give your Lordship a definite estimate. I shall not fail to do so as soon as possible. During the few days I have been here, time has not sufficed for my own examination of all matters of finance, and, I regret to say, that the imperfect returns which I have obtained, tardily, are neither complete as to the past, nor comprehensive as to the future.

No exertions shall be wanting on my part, I trust I need not assure your Lordship, to bring about a better state of financial affairs.

I have, &c.

(signed) *Robt. FitzRoy*, Governor.

P. S.—Enclosed are three rough Returns intended only for my own temporary use. Proper documents shall be sent.

R. F.

3.

Enclosures in No. 1.

(1.)

A STATEMENT of all BILLS drawn by His Excellency *Willoughby Shortland*, Esq., on account of the Government of New Zealand, on the Right honourable the Lords Commissioners of Her Majesty's Treasury.

DATE.	ON WHAT ACCOUNT.	AMOUNT.
1842 :		£. s. d.
26 October -	Immigrants per Jane Gifford, Nos. 20, 21 and 22 - - -	1,636 13 5
2 November -	" per Duchess of Argyle, No. 23 - - -	1,857 14 3
1843 :		
21 April -	" per Westminster, Nos. 24 and 25 * - - -	1,559 1 4
	TOTAL on account of Immigration - - -	5,053 9 -
27 May -	Payment of fixed salaries, Nos. 26 to 36 inclusive - - -	2,303 14 4
	TOTAL - - - £.	7,357 3 4

* No. 25. 300*L.* advised as drawn on account of Parkhurst Boys.

Note.—Amount authorized to be drawn - - -	£. s. d.
" drawn on account of Immigration - - -	7,545 15 -
" subject to Income Tax - - -	5,053 9 -†
" Income Tax thereon - - -	2,492 6 -
" already drawn, subject to Income Tax - - -	72 13 10
" remaining undrawn - - -	2,303 14 4
	115 17 10
	2,492 6 -

† Chargeable to Land Fund.—*R. F.* 11 Jan. 1844.

(Rough statement.)

Colonial Treasury, Auckland, }
15 November 1843.

Robert Fitzroy,
11 January 1844.

(2.)

STATEMENT of the ASSETS and LIABILITIES of the Colonial Treasury, 29 December 1843.

ASSETS.		£. s. d.
Cash in Chest - - -	- - -	72 5 1
Sums acknowledged by the Banks at Wellington and Nelson to be to the credit of the Treasury, but which have not yet been accounted for by the several Collectors of Revenue, viz.—		
Bank at Wellington - - -	- - -	1,876 8 5
Bank at Nelson - - -	- - -	824 8 8
TOTAL ASSETS - - -	£.	2,773 2 2
Deficiency - - -	- - -	11,785 17 8
TOTAL - - -	£.	14,558 19 10
LIABILITIES.		£. s. d.
Sum lent by the Bishop, at five per cent. interest - - -	- - -	1,000 - -
Ditto by Boyd & Robinson, at 15 per cent. interest, five per cent. only to be paid	- - -	2,000 - -
Balance due to New Zealand Banking Company at 12½ per cent. interest - - -	- - -	829 6 6
Ditto - - Bank at Wellington - - -	- - -	3,033 2 2
Ditto - - Bank at Nelson - - -	- - -	1,092 13 5
Ditto - - Post-master, New Plymouth - - -	- - -	5 3 10
Ditto - - Post-master, Akaroa - - -	- - -	26 10 5
Sum due to F. Whitaker - - -	- - -	9 8 -
Salaries due for September and October - - -	- - -	2,907 7 5
Contingencies for ditto - - -	- - -	534 4 8
Ditto at Government House - - -	- - -	21 3 5
Salaries for November and December, estimated - - -	- - -	3,100 - -
TOTAL - - -	£.	14,558 19 10

Interest accruing omitted.—*R. F.*

Colonial Treasury, }
29 December 1843.

(signed) *A. Shepherd*,
Colonial Treasurer.

STATEMENT

(3.)

STATEMENT of the ORDINARY REVENUE of the Colony of New Zealand received during the Year 1843.

PARTICULARS.	AMOUNT.	TOTAL.
	£. s. d.	£. s. d.
Revenue of the year 1843, per Treasurer's accounts - - -	16,487 3 8	.
Revenue of the year 1843 paid into the Bank of Wellington and Nelson by the Collectors of Revenue, but not yet accounted for - - - - -	2,700 17 1	
TOTAL of 1843 - - -		19,188 - 9
Arrears of other years - - - - -	- - -	6,512 14 1
Received during Six Months ending 30th June 1843 :	£. s. d.	
Revenue of the year 1843 -	5,986 10 10	
" of other years -	4,651 10 -	
	10,638 - 10	
Received during Six Months ending 31 December 1843 :		
Revenue of the year 1843	10,500 12 10	
" not yet accounted for - -	2,700 17 1	
" of other years -	1,861 4 1	
	15,062 14 -	
TOTAL - - - £.	25,700 14 10	
	TOTAL - - - £.	25,700 14 10

Colonial Treasury, Auckland, }
8 January 1844.A. Shepherd,
Colonial Treasurer.

(4.)

Sir,

Colonial Treasury, Auckland, 6 January 1844.

I do myself the honour to forward to you the enclosed copy of a letter received this day from the manager of the New Zealand Banking Company, in answer to mine of yesterday's date, requesting to know if they were disposed to become purchasers of bills on the British Treasury, to the amount of between 4,000*l.* and 4,500*l.*; and request you will lay their proposal, which I consider exceedingly fair and liberal, before his Excellency the Governor.

I have, &c.
(signed) A. Shepherd,
Col. Treasurer.

The Honourable the Colonial Secretary,
&c. &c. &c.

P. S.—Since the above letter was written, I have received a second communication from the same quarter, a copy of which is also enclosed.

(signed) A. Shepherd.

No. 1.

No. 2.

No. 1.

New Zealand Banking Company, Auckland,
5 January 1844.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of this day, requesting to be informed if this Bank would become the purchaser of between 4,000*l.* and 4,500*l.* of bills, drawn by his Excellency the Governor of this colony, on the Lords Commissioners of Her Majesty's Treasury, and at what rate of exchange.

I am desired by the directors to state in reply, that as the rate of exchange here is entirely regulated by the Sydney market, where English bills are at present at an unprecedented discount, this establishment could not therefore become purchasers, except upon what might appear exorbitant terms.

At the same time, in order to afford every facility, I am authorized to propose that bills to the extent of (2,500*l.*) two thousand five hundred pounds, be handed over to the Bank—not less than (2,000*l.*) two thousand pounds of this sum to be forwarded to Sydney for sale on account of the Government, and the remaining (500*l.*) five hundred pounds to be disposed of there or here; the Government receiving credit at the same rate as that realized for the (2,000*l.*) two thousand pounds, and in the mean time advances to be made by the Bank to the extent of (2,500*l.*) two thousand five hundred pounds, without interest; a commission of one-half per cent. being allowed to the Bank for negotiating the bills.

131.

A 3

I am

I am also requested to add, that the directors are willing to take the whole or part of the remainder of the bills for sale here or in Sydney, upon similar terms; but they are not, just at present, prepared to make any further advances.

The Honourable the Colonial Treasurer,
&c. &c. &c.

I have, &c.
(signed) *A. Kennedy*, Manager.

No. 2.

Sir,

New Zealand Banking Company, Auckland, 6 January 1844.

REFERRING to my letter of yesterday, I beg to inform you, that I some time ago received an application for a Treasury bill for 250*l.*, which at the time I was unable to procure.

This sum, therefore, will be in addition to the (2,500*l.*) two thousand five hundred pounds, referred to in my letter.

But I want you distinctly to understand, that this rate could not be obtained for any of the other bills at present.

The Honourable the Colonial Treasurer,
&c. &c. &c.

I have, &c.
(signed) *A. Kennedy*, Manager.

— No. 2. —

EXTRACT of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*,
dated Auckland, 15 January 1844.

My Lord,

No. 2.
Governor *FitzRoy*
to Lord *Stanley*.
15 January 1844.

THE disorganized state in which I find this colony, the difficulty I have had in obtaining even the most ordinary returns (returns which ought to have been laid before me immediately), the extreme press of deferred or neglected business, and the absolute necessity of my going forthwith to Cook's Strait, must be my apology for not entering fully into many circumstances about which your Lordship ought to be informed.

I have just received a very important document, one which I was obliged to demand peremptorily, and, having copied it, I transmit the original to your Lordship, without a day's loss of time.

I do not lay this statement of the financial condition of the colony under my charge before your Lordship as a document for which I can myself vouch, or by which I am to be guided; but as one among other imperfect sources from whence your Lordship may derive information.

* * * * *

The Legislative Council has passed three Ordinances, the Supreme Court, the Jury Amendment and the Land Claims Amendment Ordinance. These were absolutely necessary; the two former for the ordinary purposes of justice, and the latter for legalizing the acts of one Commissioner of Land Claims acting by himself.

These, and all other matters necessary to be laid before your Lordship, shall be forwarded as soon as possible.

To-morrow I embark on board the "North Star" to go to Cooke's Strait.

I have, &c.
(signed) *Robert FitzRoy*,
Governor.

P.S.—A copy of a letter from Lieutenant-colonel Godfrey, one of the commissioners of land claims, is also enclosed, for your Lordship's information.

16 January 1844.

R. F.

Enclosure 1, in No. 2.

Encl. 1, in No. 2.

Sir,

Auckland, 8 January 1844.

I HAVE the honour to place in your Excellency's hands an estimate for the year 1844, which, in consequence of an expression which fell from your Excellency, intimating a desire for such information, I have completed, from the notes which I had prepared previous to your arrival in this colony.

I have not included the salary of the Judge for Wellington, as I presume that that charge will be met by a corresponding diminution in the expenses of the county courts, which perhaps your Excellency may find it advisable to discontinue altogether, and to substitute for them some less expensive method of recovering small debts.

The estimated revenue has been deduced from a comparison of the receipts of preceding years, so far as they can be ascertained; but I must not omit to observe, that the disarranged state of the monetary affairs of this and the adjoining colonies, coupled with the non-settlement of the land claims of the New Zealand Company, renders me apprehensive that no increase can be anticipated; on the contrary, a decrease is to be feared.

The

The extraordinary revenue will also, I fear, be very limited; and this will naturally affect the amount of money disposable for the departments of survey and aborigines. I should think that 4,000*l.* is the largest sum that can be estimated from that source.

I have, &c.
(signed) *Willoughby Shortland.*

His Excellency Governor FitzRoy.

(1.)

PROPOSED ESTIMATE of the Expenses of the Government of New Zealand for the year 1844; prepared to accord with the Reductions indicated in a Despatch from the Right Honourable Her Majesty's Principal Secretary of State for the Colonies, dated 13 March 1843, No. 24.

	£.	s.	d.	£.	s.	d.
His Excellency the Governor - - - - -	1,200	-	-			
Establishment of ditto:						
Private secretary - - - - -	150	-	-			
Forage for three horses - - - - -	136	17	6			
Office-keeper and messenger - - - - -	63	17	6	1,550	15	-
Chief Justice - - - - -	-	-	-	1,000	-	-
Attorney-general - - - - -	430	-	-			
Contingencies - - - - -	15	-	-	445	-	-
Executive and Legislative Councils:						
Clerk - - - - -	300	-	-			
Clerk - - - - -	125	-	-			
Messenger and contingencies - - - - -	50	-	-	475	-	-
Colonial Secretary and Establishment; viz.:						
Colonial Secretary - - - - -	630	-	-			
Chief Clerk - - - - -	270	-	-			
Clerks, one at 170 <i>l.</i> and one at 125 <i>l.</i> - - - - -	295	-	-			
Messenger - - - - -	54	18	-			
Extra Clerk, stationery, &c., included in general contingencies, except	65	2	-	1,315	-	-
Colonial Treasury; viz.:						
Colonial Treasurer - - - - -	620	-	-			
Clerks, two at 140 <i>l.</i> each - - - - -	280	-	-			
Extra Clerk and contingencies - - - - -	180	-	-	1,080	-	-
Board of Audit:						
Three Commissioners (no salary.)						
Chief Clerk - - - - -	200	-	-			
Clerk - - - - -	125	-	-			
Extra clerk and stationery, chargeable to general contingencies.				325	-	-
CUSTOMS:						
Auckland:						
Acting collector - - - - -	500	-	-			
Clerk - - - - -	150	-	-			
Landing-waiter, tide-surveyor and locker - - - - -	200	-	-			
Extra Clerk and messenger - - - - -	70	-	-			
Coxwain, 64 <i>l.</i> , three boatmen, 54 <i>l.</i> each - - - - -	226	-	-			
Extra tide-waiters and contingencies - - - - -	150	-	-	1,296	-	-
Bay of Islands:						
Sub-collector - - - - -	200	-	-			
Landing-waiter and locker - - - - -	150	-	-			
Coxwain, 64 <i>l.</i> , and three boatmen, 54 <i>l.</i> each - - - - -	226	-	-			
Extra tide-waiters and contingencies - - - - -	90	-	-	666	-	-
Wellington:						
Acting sub-collector - - - - -	300	-	-			
Acting Clerk - - - - -	130	-	-			
Landing-waiter, tide-surveyor and locker - - - - -	200	-	-			
Coxwain, 64 <i>l.</i> , and three boatmen, 54 <i>l.</i> each - - - - -	226	-	-			
Extra tide-waiters and contingencies - - - - -	150	-	-	1,006	-	-
Carried forward - - -	£.			9,158	15	-

			£.	s.	d.	£.	s.	d.
Brought forward - - - -			-	-	-	9,158	15	-
CUSTOMS—continued.								
Nelson :								
Sub-collector - - - - -			200	-	-			
Landing-waiter, tide-surveyor and locker - - -			150	-	-			
Coxswain, 64 <i>l.</i> , and three boatmen, 54 <i>l.</i> each - -			226	-	-			
Extra tide-waiter and contingencies - - - -			80	-	-			
						656	-	-
New Plymouth :								
Sub-collector - - - - -			150	-	-			
Incidental expenses - - - - -			20	-	-			
						170	-	-
Akaroa :								
Sub-collector - - - - -			150	-	-			
Two boatmen at 54 <i>l.</i> each - - - - -			108	-	-			
Incidental expenses - - - - -			20	-	-			
						278	-	-
Land Titles :								
One Commissioner - - - - -			1,000	-	-			
Ditto ditto at 30 <i>s.</i> per diem - - - - -			549	-	-			
Extra clerk, travelling expenses, interpreter and contingencies. - - - - -			451	-	-			
						2,000	-	-
Aborigines :								
Chief Protector - - - - -			400	-	-			
Protectors, two at 170 <i>l.</i> , and two at 150 <i>l.</i> each -			640	-	-			
Allowance for natives, four for chief, and each protector. - - - - -			400	-	-			
Clerk to chief protector - - - - -			91	10	-			
Interpreter at 7 <i>s.</i> per diem, and two natives included in "Land Titles" contingencies, travelling expenses and contingencies. - - - - -			318	10	-			
						1,850	-	-
Registry of Deeds :								
Registrar - - - - -			300	-	-			
Contingencies - - - - -			25	-	-			
						325	-	-
Medical and Coroners :								
	Immigrants.	Gaols.	Coroner and Health Officer.		Total of each.			
	£. s. d.	£. s. d.	£. s. d.					
Auckland -	30 - -	50 - -	20 - -		100 - -			
Bay of Islands -	- - -	10 - -	5 - -		15 - -			
Wellington -	- - -	60 - -	30 - -		90 - -			
Nelson -	- - -	40 - -	10 - -		50 - -			
New Plymouth -	- - -	10 - -	5 - -		15 - -			
Petre -	- - -	6 - -	3 - -		8 - -			
						278	-	-
POWDER MAGAZINES and SIGNAL STATIONS :								
Auckland :								
Conductor of signal-station - - - - -			55	-	-			
Keeper of powder-magazine and warden of pilots -			30	-	-			
Contingencies - - - - -			5	-	-			
						90	-	-
Bay of Islands :								
Conductor of signal-station and keeper of powder-magazine. -			55	-	-			
Contingencies - - - - -			2	-	-			
						57	-	-
Wellington :								
Warden of pilots and keeper of powder-magazine -			30	-	-			
Contingencies - - - - -			2	-	-			
						32	-	-
Nelson :								
Warden of pilots and keeper of powder-magazine -			30	-	-			
Contingencies - - - - -			3	-	-			
						33	-	-
Carried forward - - - -			-	-	-	14,927	15	-

	£.	s.	d.	£.	s.	d.
Brought forward - - -	-	-	-	14,927	15	-
MARINE :						
Government Brig :						
Commander - - - - -	136	16	-			
First officer, 6 <i>l.</i> ; second, 4 <i>l.</i> per month - - -	120	-	-			
Carpenter, 4 <i>l.</i> ; steward, 3 <i>l.</i> ditto - - -	84	-	-			
Seamen, one at 70 <i>s.</i> ; two at 60 <i>s.</i> each, and six at 50 <i>s.</i> each.	294	-	-			
Table allowance to commander, for self and first officer.	54	18	-			
Allowance for necessaries and stationery - - -	27	-	-			
Pay and clothing for four apprentices - - -	36	-	-			
Rations to commander, officers and crew - - -	384	6	-			
Equipments and contingencies - - -	263	-	-			
				1,400	-	-
Pinnace :						
Coxswain, 64 <i>l.</i> , and one seaman, 54 <i>l.</i> - - -	118	-	-			
Pay, clothing, &c. for one apprentice, and contingencies.	32	-	-			
				150	-	-
Survey Department :						
Surveyor-general - - - - -	620	-	-			
One assistant surveyor - - - - -	220	-	-			
One clerk and draftsman - - - - -	150	-	-			
Messenger - - - - -	54	18	-			
Surveying party, three men; pay 3 <i>l.</i> , rations, 1 <i>l.</i> 10 <i>s.</i>	162	-	-			
Three apprentices; pay, clothing and rations - -	78	-	-			
Contingencies - - - - -	215	2	-			
				1,500	-	-
Public Works, &c. :						
Superintendent (the Surveyor-general acting gratuitously).						
Clerk - - - - -	125	-	-			
Carpenter, 4 <i>s.</i> ; carter, 3 <i>s.</i> ; labourers, one at 3 <i>s.</i> 6 <i>d.</i> and two 2 <i>s.</i> 6 <i>d.</i> each.	250	-	-			
Public Works and Buildings, viz :						
Erecting a gaol at Nelson - - - - -	1,000	-	-			
Ditto, New Plymouth - - - - -	500	-	-			
Works at Auckland, and contingencies - - -	500	-	-			
				2,375	-	-
JUDICIAL :						
Supreme Court :						
Registrar - - - - -	300	-	-			
Crier, tipstaff and messenger - - - - -	54	18	-			
Contingencies - - - - -	145	2	-			
				500	-	-
County Court :						
Auckland, Judge - - - - -						
Clerk and Crown prosecutor - - - - -	170	-	-			
Crier, 12 <i>l.</i> ; contingencies, 118 <i>l.</i> - - -	130	-	-			
				600	-	-
Wellington, Judge - - - - -						
Clerk - - - - -	200	-	-			
Crown prosecutor - - - - -	200	-	-			
Crier, 20 <i>l.</i> ; allowance for stationery, 10 <i>l.</i>	30	-	-			
Rent of court, 60 <i>l.</i> ; contingencies 110 <i>l.</i>	170	-	-			
				900	-	-
Nelson, Judge, 300<i>l.</i>; clerk, 200<i>l.</i> - - -						
Crown prosecutor - - - - -	100	-	-			
Stationery and contingencies - - - - -	100	-	-			
				700	-	-
POLICE :						
Auckland :						
Police magistrate - - - - -	300	-	-			
Clerk - - - - -	100	-	-			
Chief constable, 4 <i>s.</i> ; serjeant, 3 <i>s.</i> 6 <i>d.</i> ; three privates, 3 <i>s.</i> each.	301	19	-			
Contingencies - - - - -	48	1	-			
				750	-	-
Carried forward - - - - -	-	-	-	23,902	15	-

	£.	s.	d.	£.	s.	d.
Brought forward - - -	-	-	-	23,802	15	-
POLICE—continued.						
Bay of Islands :						
Police magistrate - - - - -	300	-	-			
Clerk - - - - -	100	-	-			
Chief constable, 4s.; serjeant, 3s. 6d.; three pri- vates and two boatmen, 3s. each.	411	15	-			
Stationery, 8l.; contingencies, 40l. 5s. - - -	48	5	-	860	-	-
Hokianga :						
Superintendent, 5s.; two privates and two boatmen, 3s. each.	311	2	-			
Contingencies - - - - -	8	18	-	320	-	-
Wellington :						
Chief magistrate, 300l.; assistant, 250l. - - -	550	-	-			
Clerk - - - - -	109	16	-			
Chief constable, three serjeants and eight privates	704	11	-			
Native interpreter - - - - -	16	-	-			
Stationery to chief, 10l., and assistant magistrate, 6l.; contingencies, 53l. 13s.	69	13	-	1,450	-	-
Nelson :						
Police magistrate - - - - -	250	-	-			
Clerk (performed by the clerk of the county court), chief constable, serjeant and three privates.	292	16	-			
Stationery, 10l.; contingencies, 47l. 10s. - - -	57	10	-	600	6	-
Petre :						
Chief constable and two privates - - - - -	247	1	-			
Contingencies - - - - -	12	19	-	260	-	-
New Plymouth :						
Police magistrate - - - - -	250	-	-			
Chief constable, serjeant and two privates - - -	247	1	-			
Stationery, 4l.; contingencies, 28l. 19s. - - -	32	19	-	530	-	-
Akaroa :						
Police magistrate - - - - -	250	-	-			
Serjeant, two privates and two boatmen - - -	292	16	-			
Stationery, 5l.; contingencies, 52l. 4s. - - -	57	4	-	600	-	-
SHERIFF AND GAOLS :						
Sheriff (fees to be made equal to 300l.) Gaoler, 6s.; turnkey, 4s.; superintendent of hard labour, 3s. 6d.	247	1	-			
Auckland :						
Bailiff, for summoning jurors - - - - -	60	-	-			
Contingencies - - - - -	142	19	-	450	-	-
Bay of Islands :						
Sheriff (receives fees of office only, filled by the police magistrate). Gaoler, 5s.; turnkey, 4s. - - - - -	164	14	-			
Summoning jurors, 10l.; contingencies, 75l. 6s. -	85	6	-	250	-	-
Wellington :						
Sheriff (receives fees of office only). Gaoler, 5s.; turnkey, 4s.; superintendent of hard labour, 3s. 6d.	228	15	-			
Bailiff for summoning jurors - - - - -	60	-	-			
Contingencies, 159l. 5s.; stationery, 2l. - - -	161	5	-	450	-	-
Nelson :						
Sheriff (fees to be made equal to 180l.) Gaoler, 5s.; superintendent of hard labour, 3s. 6d.	155	11	-			
Summoning jurors, 20l.; stationery, 2l. - - -	22	-	-			
Contingencies - - - - -	72	9	-	250	-	-
Printing; viz. establishment, stationery and contingencies	-	-	-	700	-	-
Ecclesiastical; viz. minister, Auckland	-	-	-	200	-	-
Postage of letters	-	-	-	300	-	-
Construction of roads and bridges	-	-	-	1,000	-	-
Purchase of land from natives	-	-	-	-	-	-
Contract surveys for land claimants	-	-	-	500	-	-
General contingencies	-	-	-	1,005	17	-
	£.			33,528	18	-

8 January 1844.

Willoughby Shortland.

(2.)

ESTIMATE of the probable Amount of REVENUE of the Government of New Zealand,
for the Year 1844.

Ordinary:	£.	s.	d.	£.	s.	d.
Customs - - - - -	18,000	-	-			
Publicans' Licenses, Auction Licenses and Duties -	2,250	-	-			
Fees and Fines of Public Offices - - - - -	4,000	-	-			
TOTAL of ORDINARY REVENUE - - -	-	-	-	24,250	-	-
Extraordinary:						
Probable amount of proceeds of Sales of Crown Lands, after payment of Charges of Immigration, the Survey Department, and Establishment of the Protector of Aborigines - - - - -	-	-	-	845	15	-
INCIDENTAL RECEIPTS - - -	-	-	-	750	-	-
	£.			25,845	15	-

Willoughby Shortland.

(3.)

STATEMENT, showing the APPROPRIATION of the probable Revenue arising from the Sale of Crown Lands in New Zealand, for the Year 1844.

Probable proceeds of Land Sales - - - - -	£.	s.	d.
	4,000	-	-
EXPENDITURE.			
Survey and attendant expenses on Sale of Land - - - - -	2,010	-	-
	1,990	-	-
Deduct 50 per cent. for Immigration purposes - - -	995	-	-
	995	-	-
Deduct 15 per cent. towards Civilization of Aborigines - -	149	5	-
Amount remaining Unappropriated - - - £.	845	15	-

The estimated Expenditure for the department of Aborigines, exceeds the amount authorized by the existing Regulations for the Service of that Department, by £. 1,700. 15 s.

Willoughby Shortland.

(4.)

ABSTRACT STATEMENT of the probable REVENUE and EXPENDITURE of the Government of New Zealand, for the Year 1844.

REVENUE.	AMOUNT.	EXPENDITURE.	AMOUNT.
Ordinary, per Statement No. 2 - - - - -	£. s. d. 24,250 - -	Aggregate Amount, as per Statement, No. 1 - -	£. s. d. 33,528 18 -
Extraordinary, ditto -	1,595 15 -	Deductions, ditto, No. 3 -	2,159 5 -
Excess of Expenditure over Revenue - - - - -	5,523 18 -		
£.	31,369 13 -	£.	31,369 13 -

Willoughby Shortland.

Enclosure 2, in No. 2.

Encl. 2, in No 2.

Sir,

Auckland, 5 January 1844.

I HAVE the honour to inform your Excellency, that during my late stay at Port Nicholson, it was with deep regret I witnessed the great increase of excitement and distrust towards the settlers, most distinctly exhibited by the native population in that neighbourhood.

It is probable that a jealousy of the many improvements made by the Europeans, naturally so superior to their own attempts, may be one of the causes of this ill-feeling upon the part of the Maories; but it appears to me, that their main grievance is the want of a final settlement for the lands which have been allotted to and marked out for the settlers in the district of Cook's Strait.

These titles not having been examined by me, it is not my province, nor have I sufficient acquaintance with them to offer any opinion as to their validity; my sole object in addressing your Excellency at this moment, when you are on the eve of visiting the South, is to assure you of my firm conviction, that there must be no longer any delay in satisfying the native demands; or, what would be more difficult, inducing them to abandon them; and I have no hesitation in declaring my belief, that if this be not speedily performed, it must be a miracle that will prevent a collision between the two races, most fearful to contemplate, as it most likely would not end before the utter extermination of one of the parties.

As your Excellency will soon have an opportunity of seeing the distress occasioned to the settlers, from their inability to get possession of the sections they have purchased from the Company, I need not urge this consideration as an additional reason for hastening a definitive arrangement of the matter with the dissentient chiefs.

In every light in which these circumstances can be viewed, they appear so momentous, that I am satisfied you will not consider that I have over-stepped my duty in thus describing them to your Excellency.

I have, &c.

(signed) *Edward S. Godfrey,*
Commissioner.

His Excellency Governor FitzRoy.

— No. 3.—

(No. 6.a.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

No. 3.
Governor *FitzRoy*
to Lord *Stanley*.
26 March 1844.

My Lord,

Auckland, 26 March 1844.

I BEG to advise your Lordship, that I have this day drawn and negotiated a set of bills on the Lords Commissioners of Her Majesty's Treasury, for the sum of nine hundred and forty-five pounds, fifteen shillings sterling (945*l.* 15*s.*) in favour of Alexander Shepherd, Esq., Colonial Treasurer, for payment of salaries.

My reasons for drawing these bills are fully stated in my despatch to your Lordship, dated 15 April 1844 (No. 11.)

I have, &c.

(signed) *Rob. FitzRoy,*
Governor.

— No. 4.—

(No. 11.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

No. 4.
Governor *FitzRoy*
to Lord *Stanley*.
15 April 1844.

My Lord,

Auckland, New Zealand, 15 April 1844.

IN my despatch of the 11th of January last (No 1.), I informed your Lordship of the state in which I found the finances of this colony, the liabilities exceeding the assets by about 24,000*l.* and the revenue likely to amount to about two-thirds of the estimated expenditure.

Temporary relief was afforded by the sum of 4,480*l.*, for which I was authorized to draw by your Lordship's letter, dated 13 March 1843, No. 24, but there remained still unpaid nearly 20,000*l.*

The sum which I then drew, did not defray the salaries due the first week in January; nor did it clear off contingent charges.

Those payments are still due, and at the beginning of this quarter, about nine thousand pounds (9,000*l.*) were required to defray authorized salaries and contingent expenses, down to the 5th of April.

As

Ordered by the
House of Commons
to be printed, 24
March 1843, No.
134.

As I am prevented from drawing bills on England, as there is no immediate prospect of raising a revenue nearly adequate to the wants of the colony, and as the Legislative Council cannot meet till May, there would seem to be no means of paying even the most ordinary or most pressing contingent demands. It is difficult to imagine a more helpless position for the Governor of a colony ten months' distant from England.

On the 25th of March, I summoned the Executive Council, and conferred with them on this subject. The annexed minute (A.) will show to what resolution I reluctantly came, that of drawing on the Imperial treasury for a sum equal to that voted by Parliament last year in aid of the revenues of New Zealand; namely, 7,545*l.* 15*s.*; less the Bishop's salary, 600*l.* (paid in Sydney), or 6,945*l.* 15*s.*

This sum, at the very least, I concluded that Parliament would grant in aid of our diminished revenue this year, and I decided to draw for it.

One set of bills, for 945*l.* 15*s.*, was immediately prepared, signed and sent away in the "Victoria," (Government brig) to Wellington, to defray salaries long due there; and bills for the remaining 6,000*l.* were to be prepared in various sums to suit purchasers.

I was then informed that the small banking establishment of Auckland could not undertake to negotiate these bills in the same manner as the last; and that the bills must appear at Sydney without their assistance or guarantee.

To this I would not consent, for I had reason to feel convinced that, under such circumstances, the merchants at Sydney would not negotiate the bills; and although I had full confidence in your Lordship's support under such unforeseen, and by me inevitable difficulties, I would not risk the dishonour of a Government bill by the merchants, through whom alone it could be negotiated.

I again assembled the Council, proposed to cancel the bills prepared for 6,000*l.*, and to issue promissory notes or debentures, payable in two years, or sooner, bearing interest at five per cent., and in such small sums as to be available in lieu of a circulating medium.

Enclosed I have the honour to send copies of the minutes of Council on that occasion, and of the notes prepared for issue. They were printed only yesterday, and will not be issued for some days.

I am most painfully aware that the measure is at variance with my instructions, but there is no other course for me to follow. I cannot break up the Government establishment without your Lordship's express authority; I cannot reduce the salaries of officers whom your Lordship has authorized to receive them; I can neither raise a loan nor draw bills,—and until the Legislative Council has met and passed an ordinance, I cannot raise supplies by taxation.

The local bank at Auckland cannot advance more than 2,000*l.* at one time, and for any such advance would demand from 12 to 15 per cent. It avails nothing to urge that such interest is usurious, is preposterous,—the reply is, "We cannot take less; the colonial rate of interest is 12½ per cent. for the best securities."

By the arrangement I have planned, and am now carrying into execution, it is hoped that the general distress and confusion which would be caused by a total suspension of payment will be prevented. The notes will be current at a slight discount, varying from a penny to a shilling in the pound, and the general effect of the measure will be that of Government making payments with money borrowed at five per cent. interest. The receivers of the notes will lose the discount on them—a loss they will cheerfully bear, in consideration of the advantages which holding such Government securities will give them.

For redeeming these acknowledgments,—which I propose to issue in notes of one pound, five pounds, ten pounds and fifty pounds value,—I rely on assistance from Parliament, at the instance of your Lordship.

This colony is at present unable to maintain such a Government establishment as is indispensably necessary for its most critical position. There is not an office nor a man that can be spared; on the contrary, an increase in the military, the naval, the medical and the protectorate departments is urgently required.

But if so assisted—if helped efficiently for two or three years more—New Zealand will then be able to maintain herself. Her resources are abundant,—her productiveness extraordinary.

By direct taxation, after the grants to land are issued, and by greater freedom of trade, a sufficient revenue will be raised within the colony,—but this will not be during the current year, or the next.

I have, therefore, to entreat your Lordship to place the real state of this valuable and most interesting colony before Parliament, to press for assistance in clearing off the existing debts, amounting to 20,000 *l.*, and to obtain an annual grant in aid of her revenue, until she is able to stand alone.

Ten thousand pounds each year, for three years, would enable New Zealand to become a self-supporting colony, of real value to the mother-country, and a singular instance of legitimate colonization,—not only without injury, but on the contrary, with the greatest advantage to a numerous aboriginal population.

But, in your Lordship's care, New Zealand is safe. I have truly and fully stated the case, and I am confident that, as your Lordship has now explicit information, the colony will be rescued from ruin.

Precise estimates of proposed expenditure and ways and means, and exact statements of the assets and liabilities of this Government, shall be transmitted directly after they are laid before the Legislative Council.

I have, &c.

(signed) *Robt. FitzRoy*, Governor.

Enclosure (A.) in No. 4.

NEW ZEALAND.—EXTRACT MINUTES of the Executive Council.

Monday, 25 March 1844.

Encl. (A.) in No. 4.	His Excellency next brought before the Council the financial state of the colony, and informed the Council, that a sum of more than five thousand pounds having been due since the 31st December 1843 for arrears of salaries and payment of tradesmen's bills, he had instructed the Colonial Treasurer to negotiate a loan for that amount with the New Zealand Banking Company, at an interest of ten per cent.; but that the Colonial Treasurer could only effect an arrangement with the bank for two thousand pounds, at twelve and a half per cent., the manager of the bank stating that the directors might perhaps at some future period advance two thousand pounds more, at a similar rate of interest. His Excellency then stated that, instead of subjecting the Government to so great a loss as must be incurred in taking up money at so high a rate of interest, he had decided to assume the responsibility of drawing upon the Lords of the Treasury for a sum equal to that voted by Parliament in aid of the revenue of New Zealand for 1843-44 (less the Bishop's salary, paid by the Commissariat Department), viz., six thousand nine hundred and forty-five pounds fifteen shillings.
£. 5,000.	
2,000.	
£. 2,000.	
£. 6,945. 15.	

(True copy.)

J. Coates,

Clerk of Executive Council.

Wednesday, 10 April 1844.

£. 6,945. 15. £. 945. 15. £. 6,000.	His Excellency the Governor informed the Council, with reference to the last minute of the foregoing meeting, that difficulties had arisen which would prevent him from carrying out the arrangements he had contemplated relative to drawing bills on the Lords of the Treasury, the New Zealand Banking Company being unable to negotiate them here, and having declined to guarantee them in Sydney as in former cases. His Excellency stated, that the sum he had intended to draw for was six thousand nine hundred and forty-five pounds fifteen shillings. Bills to the amount of nine hundred and forty-five pounds fifteen shillings only had been drawn and transmitted to Wellington for sale, and he now proposed the other six thousand pounds which had been prepared, as he did not think it advisable to compromise the credit of the Government by sending these bills to Sydney in a form different from that of the bills previously drawn by him.
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£. 9,000.	The only alternative to which recourse could be had, under existing circumstances, appeared to be that of issuing notes entitling certain persons to receive sums (now due to them by Government) at a future period, with interest at the rate of five per cent. per annum on the respective amounts. Such notes being issued in sums sufficiently small to make them an available circulating medium would probably relieve much of the existing difficulties caused by the Government officers' salaries being nearly six months in arrear, and a large amount of contingencies due by the Local Government having remained unpaid during the last six months, and would prevent that extreme distress arising during the ensuing winter which must be the inevitable consequence of such a state of things being permitted to exist much longer; there being at present very little money in the place, and little or no means of borrowing even upon the best security, except at the exorbitant rate of interest of fifteen per cent. His Excellency, in continuation, remarked that the present deficiency, down to the end of the last quarter, amounted, in round numbers, to more than nine thousand pounds, being for five months' salaries unpaid and for contingencies during the last half-year; and he therefore requested the advice and opinion of the Council as to the measures to be adopted. After full deliberation, the Council were unanimously of opinion that the issuing of notes, as proposed by his Excellency, was not only necessary, but that there was no other alternative, and was the only measure that could be adopted under the circumstances.
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His

His Excellency then proposed the following as the form in which the notes should be issued, which form was agreed to by the Council.

No.	New Zealand.		
ONE POUND.	No. _____	£. 1.	ONE POUND.
Payable 10th April 1846.	On presentation at the Colonial Treasury, at Auckland, in New Zealand, on or after the Tenth day of April 1846, or on or after such earlier day as shall be fixed by the Governor, after Two Months' notice thereof in the Government Gazette, the bearer will be entitled to receive ONE POUND Sterling and interest thereon, at the rate of Five per cent. per Annum, from the date of issue, until the Tenth day of April 1846, or such earlier day as may be fixed for payment.		
Dated	This will be received as One Pound within One Year from the day of issue, and as ONE POUND ONE SHILLING after that time, in payment of duties of Customs or any debt or demand payable to the Colonial Government of New Zealand.		
Governor.	Dated at Government House, Auckland, this _____ day of _____ 184 .		
Colonial Secretary.	(signed) Robert FitzRoy, Governor.		
Issued	By Command of His Excellency,		
Colonial Treasurer.	(signed) Andrew Sinclair, Colonial Secretary.		
	(True copy,)		
	J Coates, Clerk of Executive Council.		

Enclosure (a.) in No. 4.

Sir, Colonial Treasury, Auckland, 20 March 1844.
 WITH reference to my letter of the 6th January last, No. 2, conveying the terms on which the New Zealand Banking Company are willing to negotiate the disposal of bills upon the British Treasury, the acceptance of which proposal was notified to me in your letter of the 9th of the same month, No. 6, I have the honour to inform you that I have this day received a communication from that establishment, transmitting a statement of the sale of three thousand six hundred pounds of bills, at a discount of five per cent., and stating that the balance, after deducting the charges of three thousand four hundred and two pounds, was to my credit at their bank. Encl (a.), in No. 4.
 £. 3,402.

I enclose a copy of the statement above mentioned, for the information of his Excellency the Governor.

I have, &c.
 (signed) Alexander Shepherd,
 Colonial Treasurer.

The Honourable the Colonial Secretary.

New Zealand Banking Company.
 Auckland, 19 March 1844.

ACCOUNT of the SALE of TREASURY BILLS in Sydney, by the Bank of Australasia, on account of the New Zealand Banking Company.

	£.	s.	d.
Bill No. 1 - - - - -	500	-	-
" 2 - - - - -	500	-	-
" 3 - - - - -	500	-	-
" 4 - - - - -	500	-	-
" 6 - - - - -	300	-	-
" 7 - - - - -	200	-	-
" 8 - - - - -	100	-	-
" 9 - - - - -	500	-	-
" 11 - - - - -	250	-	-
" 12 - - - - -	250	-	-
<hr/>			
Less 5 per cent. discount - - -	3,600	-	-
	180	-	-
<hr/>			
Commission $\frac{1}{2}$ per cent. - - -	3,420	-	-
	18	-	-
<hr/>			
£.	3,402	-	-

(E. E.)

(signed) A. Kennedy, Manager.

—No. 5.—

(No. 38.)

COPY of a DESPATCH from Lord *Stanley* to Governor *FitzRoy*.

No. 5.
Lord Stanley to
Governor FitzRoy,
27 Oct. 1844,

Sir,

Downing-street, 27 October 1844.

I HAVE received your despatch, No. 6^a, of the 26th March last, reporting that you had drawn bills on the Lords Commissioners of the Treasury for the sum of 945*l.* 15*s.*, for the payment of salaries. I have also received your despatch (No. 11) of the 15th April 1844, stating the circumstances under which those bills were drawn, and the course which you had adopted for raising funds, by the issue of notes of different denominations, to be redeemable in two years.

I have communicated with the Lords Commissioners of the Treasury on the subjects referred to in these despatches, and I have now to communicate to you the decision of Her Majesty's Government with regard to them.

Under ordinary circumstances, I should have felt it my duty to have expressed a decided disapprobation of the course which you pursued in issuing, in violation of your instructions, notes or debentures, such as those described in your despatch, with a view of raising the funds necessary to defray the expenditure of your Government. But, advertent to the peculiar situation in which you found yourself placed, unable to raise money by the sale of bills on the treasury of this country without the risk of enormous loss, unable also to borrow from the colonial bank the sums required for your immediate exigencies, Her Majesty's Government are disposed to regard your conduct in a more favourable point of view, and to make allowance for a course of proceeding which, under any less urgent circumstances, would have been indefensible.

Her Majesty's Government, however, deem it essentially necessary, that measures should be taken, at the earliest possible period, for the redemption of the notes which you have issued, the continuous circulation of which must render hopeless any attempt to provide a sound circulating medium for the colony, and must deeply affect its future growth and prosperity.

You will withdraw these notes from circulation, by applying to their redemption funds to be raised for that purpose at the next meeting of the Legislative Council, or, if sufficient funds cannot be so raised, by substituting in the place of the notes which have been issued, colonial debentures for not less than 50*l.* each, bearing, if need be, a somewhat higher rate of interest than the notes, and payable out of colonial funds at any period of which notice may at any time be given.

In your despatch No. 11, you make a pressing application for assistance from this country in clearing off the existing debts of the colony, which you estimate at about 20,000*l.*, and in defraying the necessary annual expenditure.

The Government of New Zealand has already been warned not to place any further reliance on large and undefined assistance from the funds of this country: and, considering the more than ordinary resources possessed by that colony, in the extent and fertility of its soil, and in its numerous population, Her Majesty's Government feel convinced that, with proper management, the whole of the civil expenditure may be provided for at an early period, from its local revenues, without any undue pressure upon local interests, leaving the cost of military and naval protection to be defrayed at the charge of this country.

Her Majesty's Government will be prepared to consider the amount of the grant for which application may properly be made in the ensuing Session of Parliament, when they shall have before them the precise statements of proposed expenditure and the ways and means promised by you in the concluding paragraph of your despatch, and I will at present only observe,

1st. That, in order to establish a claim to assistance from Parliament, it will be necessary for the Colonial Government to show that every practicable measure

has

has been adopted to raise the requisite funds, either by local assessment or general taxation ; and

2d. That whatever pecuniary aid Parliament may be induced to afford, will be given for the purpose of assisting the colonial government to meet the necessary current expenditure, and not for that of paying off the debt, which will remain charged on the colonial revenues.

That portion of the colonial debt which is owing to Her Majesty's Government, on account of payments made in this country for the purpose of sending emigrants to New Zealand, will be paid, according to the directions already given, from the first proceeds of the land sales.

As inconvenience seems to be experienced from the want of a proper circulating medium, and great difficulty exists in realizing the amount of the Parliamentary Grant, by drawing bills upon the Board of Treasury, the Lords Commissioners have intimated to me, that they have directed a sum of 6,185*l.* in specie, to be remitted to the officer in charge of the commissariat in New Zealand, who will be directed to pay to the Colonial Government such portion of the sum granted by Parliament for the service of New Zealand, for the year 1844-5, applicable to the payment of salaries to the close of the quarter preceding the date of the receipt of his instructions, for which bills may not have been drawn by you upon the Board of Treasury; and on the 1st April 1845, the further sum of 1,741*l.* 5*s.*, the remaining quarterly balance of the grant, subject of course to the same condition, of bills not having been previously negotiated by you for the amount.

The commissariat officer will also be instructed to issue to you, by equal quarterly instalments, the amount of any future grant which may be made by Parliament for the same service, it being understood that no further bills will be drawn by you on the British Treasury.

In conclusion, I have to impress upon you, that this arrangement will afford no relief to the colony, as regards the establishment of a proper circulating medium, unless the small notes which you have issued be simultaneously withdrawn from circulation.

From the statements which I have received from the Board of Treasury, it appears that the sum remaining available up to the present date, from the grant of last Session, is as follows :—

	£.	s.	d.
Grant 1844-5 - - - -	7,565	-	-
Applied out of that grant (after appropriating the balance of the grant of the preceding year), to the payment of bills drawn -	3,530	8	8
Bishop's Salary - - - -	600	-	-
	<hr/>		
	4,130	8	8
	<hr/>		
Balance of Grant - - - -	£.	3,434	11 4
	<hr/>		

I have, &c.
(signed) Stanley.

—No. 6.—

(No. 12.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

No. 6.
Governor *FitzRoy*
to Lord *Stanley*,
15 April 1844.

My Lord,

Auckland, New Zealand, 15 April 1844.

SINCE I last had an opportunity of sending despatches to your Lordship, two months have elapsed, and as matters of serious importance have occurred which require much consideration, I will introduce them by a brief outline of my proceedings.

Your Lordship is already aware that I left Auckland in Her Majesty's ship "North Star," on the 18th of January, and arrived at Port Nicholson on the 26th of that month.

I found the residents at Wellington in a most anxious state of mind ; and it was truly painful to witness the distress and difficulties surrounding so deserving and energetic a body of our countrymen.

Under such circumstances (owing entirely to the unsettled land question), and so soon after the fatal affray at the Wairau, it was not surprising, however lamentable, to find that a bitterness of feeling towards the aborigines should have become very prevalent, and that only a portion of the educated and reflecting members of the community should have escaped the contagious spirit of hostility which showed itself in every conversation, and in every public document.

Such a feeling among the better informed and respectable classes of society had degenerated into more than dislike, I would say into hatred, on the part of many of the ignorant and short-sighted, whose disappointments and want of employment tended to excite and keep up a virulent animosity between the races, which, if not effectually checked and eventually removed, would defeat all hopes of successfully colonizing New Zealand in a peaceable and legitimate manner.

Among these men, it was very difficult to show that their having paid for certain lands in England did not alone entitle them to possession ; and that the resistance of the aboriginal owners to reiterated attempts to cultivate portions of their land, of which they denied the sale, was natural, and not to be set aside by the civil or military power, previous to any regular investigation.

In order to endeavour to check such destructive feelings speedily, and show in what a different light they were viewed by really unprejudiced persons, I took the first opportunity of expressing myself publicly on the subject, and of addressing a few words to one gentleman, whose conduct towards the native population had been of an injurious tendency.

I believe that my views and opinions much surprised the gentlemen present, to whom they were explained, and for a time caused much irritation ; but I am happy to say that the object I had in view was gained, that the irritation was but temporary, and that a very much improved state of feeling afterwards existed at Wellington.

Two particular grounds of dispute and ill-feeling existed between the settlers and natives,—one, the land question generally, and the other, the native reserves. Much misunderstanding evidently prevailed as to the extent to be reserved ; the general impression among the natives being, that one-half of the land was for the settlers, and one-half for themselves.

(A.)
(B.)

The enclosed letters, selected out of many of a similar nature (for the natives are now frequent letter-writers), will show your Lordship the prevalent feeling of the aborigines at Port Nicholson, when I arrived there.

On the 29th of January, a conference was held with Colonel Wakefield, the principal agent of the New Zealand Company, and it is my pleasing duty to inform your Lordship that the result of that conference was quite satisfactory, and that a prospect of amicably settling the Company's claims to land in New Zealand

Zealand was fairly opened by their agent agreeing to make further reasonable payment to complete his disputed purchases, as your Lordship will observe in the enclosed minutes of that conference.

Governor FitzRoy
to Lord Stanley,
15 April 1844.

(C.)

I then made arrangements with Mr. Commissioner Spain and the Sub-Protectors of Aborigines (Messrs. G. Clarke and T. S. Forsaith), respecting the compensation to be paid to the natives of the Port Nicholson district; the time and the method of payment; and on the 3d of February sailed for Nelson, in Her Majesty's ship "North Star."

On the 7th of February, I landed at Nelson, accompanied by Sir Everard Home; and took advantage of the opportunity afforded by an assemblage of the inhabitants, at the presentation of an address, to express to them my views and opinions, as I had previously done at Wellington; but more decidedly on some points which affected themselves specially.

I afterwards had a conference with the magistrates only, and made known to them my dissent from the line of conduct some of the gentlemen at Nelson, in the commission of the peace, had adopted with reference to the aboriginal population. I produced the warrant which had been signed by four of their number, for the apprehension of Te Rauparaha and Rangihaeata, after the Wairau catastrophe, and expressed my intention of not placing the names of those four gentlemen in the new commission of the peace about to be prepared; so imprudent did I deem their conduct.

(D.)

In the course of the day I received a letter signed by three of the four gentlemen alluded to, tendering their resignations, which I accepted provisionally, and I hope that Her Majesty will be pleased to approve of their acceptance.

(All except
Mr. Munro.
R. F.
See Warrants.

Subsequently I informed Mr. White, the gentleman appointed by Mr. Shortland to act provisionally as chief police magistrate, that it was not my intention that he should continue to hold that provisional appointment, but that in a month or two he might expect to be relieved; on which Mr. White asked me to relieve him immediately, if possible, as he felt himself unsupported by other magistrates, and in a very difficult position. I consented to do so; and appointed Mr. Donald Sinclair, of Nelson, to act provisionally as chief police magistrate; and selected two gentlemen, of character and ability, to support him on the bench.

On this subject I
shall address your
Lordship in another
Despatch.

While at Nelson I had meetings with the labouring emigrants, sent out by the New Zealand Company, but much discontented, and with the natives, the effect of which, I have reason to believe, was satisfactory; but I am sorry to inform your Lordship that the feeling of animosity between the races, engendered chiefly by the unfair conduct of our settlers in attempting to possess lands, which the native owners are very unwilling to part with, is even stronger at Nelson than at Wellington, and requires physical as well as moral force to restrain it. Under this conviction, and as detaching any portion of the small military force at Wellington was out of the question, I authorized the chief police magistrate to employ an additional force of police, amounting to a serjeant and six men.

From Nelson the "North Star" conveyed me to the island of Kapiti, near a place on the west coast, about 30 miles north of Port Nicholson, called Waikanae, the head-quarters of Te Rauparaha. There, on a Sunday morning, February 11, Sir Everard Home landed with me. We were met on the beach by the Reverend Octavius Hadfield (the missionary clergyman, who lives in the native village), and a large assemblage of natives.

We accompanied Mr. Hadfield to his dwelling in the middle of the pah (village); witnessed his adult scholars going through their Sunday lessons; and attended Divine Service in a very large and commodious chapel built by the natives alone. Te Rauparaha sat by, in silence, during school-time, as well as during service.

Next day I landed more formally, accompanied by Sir Everard Home, Mr. Commissioner Spain, and the officers of the "North Star."

We were met by the police magistrates from Wellington (Major Matthew Richmond and Mr. John Jermyn Symonds), the sub-protector (Mr. George Clarke, jun.), Mr. Hadfield, and a large concourse of natives.

Ranghiaita.

R. F.

(E.) and (F.)

A large meeting was then held in the middle of the pah, a square open space being occupied by about five hundred natives,—I and the party with me sitting near one angle, Te Rauparaha near me, and Rangihaeata on the further side of the space.

Enclosed is a copy of the minutes of that conference, which I considered to be the termination of the Wairau disturbances.

The “North Star” sailed from Kapiti directly our party returned on board from Waikanae; but contrary winds prevented her from reaching Port Nicholson till the 16th. At this time Sir Everard Home considered it necessary for him to leave New Zealand, but at my earnest request he consented to remain till the 24th, when he sailed for Sydney.

(G.)

I cannot too strongly express to your Lordship how much I feel personally indebted to Sir Everard Home for his unvarying attention and able assistance; and it is not asserting more than the simple fact when I say, that the present tranquillity of this country, and the having avoided a disastrous state of hostility with the natives, which would probably have led to a war of extermination, may be chiefly attributed to that officer's presence and correct judgment at a most critical period.

Your Lordship authorized me to carry out your arrangement, made previous to my leaving England, relative to the appointment of “a person to represent me in the neighbourhood of Cook's Strait, with sufficient executive power to enable him to act upon any emergency, without the delay of a reference to the head of the local government,” (Mr. Under-Secretary Hope to Mr. Somes. 12 May 1843,) leaving me a “discretionary power to adopt such measures as I may consider expedient for giving effect to that arrangement, without the delay of a previous reference to England.”

Upon this subject I had maturely reflected before my arrival at Wellington; and from all I had heard of Major Richmond, then chief police magistrate at that place, previously a commissioner of land claims, and formerly Government resident at Paxo, in the Ionian Islands, I had almost decided to appoint him (provisionally) Superintendent of the Southern Division of New Zealand, such an authority being more than ever required in consequence of the recent disturbances and prevalence of hostile feelings.

A copy of his instructions will be forwarded.

As I could not stay long at Wellington, it was necessary to determine on this important step, and I gave Major Richmond the necessary authority, pending your Lordship's approbation and Her Majesty's pleasure, to act as Superintendent of the Southern Division of New Zealand. I have thus defined his office, because he will have to act on behalf of the Southern Settlements generally, and the word “District” is not only too limited in its meaning, but is used too frequently in New Zealand to convey so distinct a meaning as the term “division.”

The Southern Division at present comprehends the Southern District (of the Supreme Court Ordinance), and all to the southward of it. (The word “District” is also used by the Church and the Missionary Society to denote various portions of New Zealand, by which some geographical confusion is caused.)

In assigning a salary to Major Richmond, I considered that of the Superintendent of Port Phillip (800*l.*), that of the Resident Judge at Wellington (800*l.*), and that of the New Zealand Company's Agent (500*l.*), as well as the circumstances of this colony, and placed that of Major Richmond at 600*l.*, pending your Lordship's opinion and Her Majesty's pleasure.

To succeed Major Richmond as the chief police magistrate,—an office far more necessary than has been represented to your Lordship, and requiring the most active exertions all along the coast, as well as at Wellington,—I have named Mr. M'Donough, with the salary I found attached to the office, namely, 300*l.* a year. Mr. Arthur Edward M'Donough was the itinerary magistrate, at 250*l.* a year, employed in visiting the various whaling stations on the coast, for which service I have appointed Mr. J. Jermyn Symonds, lately sub-protector of aborigines.

It is absolutely necessary that there should be at Wellington an efficient accountant, who can collect, examine and provisionally audit the accounts of the southern settlements, previous to their transmission to Auckland. The delay

Recommended by
Lord Stanley in
Despatch, dated
24 June 1842.

delay and confusion hitherto caused in the accounts, for want of such an officer, have occasioned extreme detriment to the public service. It is also necessary that the superintendent should have an efficient secretary, who might forward the public correspondence between the settlements, which has become too multifarious for an executive officer to attend to without assistance. Besides which a registrar of deeds is already required; and directly the Company's grants to land are issued he will have much occupation.

Governor Fitzroy
to Lord Stanley,
15 April 1844.

In order, therefore, to meet these demands, I have appointed Mr. Samuel Edward Grimstone, late chief clerk in the Audit Department here, to act as secretary, provisional auditor and registrar at Wellington, with a salary of 250*l*.

The Secretary to the Superintendent at Port Phillip has 200*l*. a year, but there are various other Government officers at that place, who attend to those duties which, at Wellington, must be done by one person only.

I trust that these arrangements will prove satisfactory to your Lordship.

They seem to me indispensably necessary; and with regard to the additional expenses they entail, I can only state that the security of property, the tranquillity of the colony, and the safety of life itself, now depend mainly on an efficient Government establishment. It is not only a colony of merely 12,000 Englishmen (as the honourable Member for Coventry remarked), but a colony of 12,000 English, intermingled with a population of 108,000 aboriginal natives, who require more interference, advice and control, as they mix more with Europeans, and escape more from the former harsh restraint of their own chiefs.

Arrangements having been made at Wellington for the first payment, in compensation of former deficiencies, the natives entitled to receive a share were assembled on the 24th, and the money placed on a large table before them.

A long and sometimes noisy discussion lasted all day, without their agreeing to take the sum which had been already agreed on, and the meeting was at last broken up by me, while all were in perfect good humour. Two days passed, but they still held out, hoping that I should consent to a larger payment. On the 27th I was to sail in the Government brig "Victoria," for New Plymouth and Auckland, and when the natives found I would not give way, just before I was to sail, they consented to take the money; and in three hours 730*l*. were paid over, all in silver money, to four different tribes of natives, without difficulty, disturbance, or quarrelling among themselves.

A copy of the minutes of these proceedings is enclosed.

(H.)

That same day, just as the payments were completed, the Lord Bishop of New Zealand arrived from Stewart Island and Banks' Peninsula, in a small coaster, of about 25 tons burthen, owned and commanded by a chief named Tou-wha-iki, well known in New Zealand. With his Lordship, his sole companions were a son of Te Rauparaha and five natives.

On his Lordship's account I delayed a day, in order to convey him to Taranaki, or New Plymouth, and Auckland; but the wind did not admit of our visiting the former place.

I must now ask your Lordship to notice the arrangements made for providing more land for the New Zealand Company.

(K.)

On arriving at Wellington, I found that the New Zealand Company's principal agent had instructions to prepare immediately for the reception of the proposed Scotch settlement in New Munster (the Middle Island).

As the parties intending to emigrate from Great Britain had fully decided to establish themselves (permission being obtained) in that island, and as the Government has no land there, and the Company has none, except a very limited quantity at Nelson, it appeared impossible to execute his instructions, unless I would first buy a sufficient extent of land (about 200,000 acres), and then dispose of it to the Company.

To this course there were two insuperable objections; the first being, the absolute inability of the Government to enter into new purchases of land, having neither funds nor articles of trade, nor authority to draw on the home Government; the second, the absolute impossibility of my effecting such a purchase, even

Governor FitzRoy
to Lord Stanley,
15 April 1844.

had I means of doing so, either myself, or solely by any competent officer, within the time in which it was indispensable that a location for the settlement should be secured.

The protectorate officers were more than fully occupied; not one of their too limited number could be spared; besides which, it is highly disadvantageous to employ them in effecting purchases from the natives.

Mr. Commissioner Spain would have been the best, and, indeed, the only person, of whose services I could then have availed myself, on behalf of the Government; but he could not be spared for a day from the more important duty of endeavouring to settle the land question at Port Nicholson and the neighbouring settlements, where not only property, but lives, were in jeopardy.

In this dilemma, I adopted the only course which appeared to me practicable; namely, to waive the Crown's right of pre-emption over 150,000 acres of land in New Munster, where selected by the Company's agent, and to leave it to him to effect the purchase under the superintendence and with the assistance of the most efficient Government officer of whose services I could then avail myself.

I trusted that the bitter experience which the New Zealand Company's agent has had of the difficulty of effecting valid purchases of large tracts of land in New Zealand, and his present acquaintance with the native habits and customs, would be a security for the *bonâ fide* character of any purchase now made under his directions; but, in order to give a character to the whole transaction, to show that the Government gave it countenance, and to be a check on any unadvisable proceedings or over-hasty arrangements, I directed Mr. John Jermyn Symonds to superintend the whole transaction, and gave him the annexed instructions.

(K.) No. 2.

Mr. Symonds has been several years in New Zealand. He was employed as a surveyor, then as a sub-protector of aborigines, and is now a police magistrate. He speaks the native language, and bears an irreproachable character.

I have found myself under the necessity, not only of acting without instructions in this important matter, but of acting against the established regulations, with regard to the figure and continuity of blocks of land.

For these deviations I am alone to blame, if they be thought blameable. I am fully aware of the responsibility undertaken, and await your Lordship's decision.

It is my duty to inform your Lordship, that however applicable the system of continuous blocks of land (as nearly as may be in the form of regular parallelograms, of which no one side shall be more than twice the length of any other side) may be to other countries, it is as inapplicable as it would be injurious to New Zealand. The southern portions of the islands are generally so very mountainous, and the mountains are so utterly useless, except for the firewood on their sides, that of any large extent of land, a great part is not only unavailable for settlers, but detrimental to their progress.

When such mountainous tracts are sold, very small portions here and there are found available; the maps do not show the features of the country, and the purchasers find themselves miserably disappointed.

This is not so much the fault of the Company or the surveyors, as a consequence of the regulation which confines them to regular shaped blocks. No land, under these regulations, can be left out as useless, if not actually inaccessible, and all becomes claimed, however valueless.

One of the immediate practical evils of this system is now felt at Wellington.

Firewood is much wanted: there is no common right to the wood on useless mountains; cattle or sheep or goats may not stray there; sections of those mountain sides are sold, and the agents of purchasers are bound in duty to protect them from trespassers. This is much complained of by the natives.

Had the valleys only been sold, the mountains would have supplied firewood, and some maintenance for animals, in common to all, for generations to come. It is the right of interference, and the doubt where to go for firewood, or with animals, which is now causing irritation.

But

But these are the minor evils arising out of the endeavour to confine settlers to regular shaped blocks where the country is like parts of Switzerland or Norway, or even Tierra del Fuego. Governor FitzRoy to Lord Stanley, 15 April 1844.

The most serious difficulty is the interference with the natives, whose attachment to some particular localities is as strong as their aversion to others. They are not free to roam, as the aboriginal natives of some other countries; every acre of land is claimed, and no encroachment on it tolerated. They cannot be removed from their own district, and they will not part with their most favourite places in it.

The only method that is available for purchasers, whether on a large scale, like the New Zealand Company, or otherwise, is to buy those lands which the natives are willing to sell, where they are sufficiently extensive and available, and to leave untouched all others.

Then the natives will rejoice at the approach of settlers, because they wish to have them near for trade, and other advantages, which they would forego altogether rather than be dispossessed or inconvenienced themselves.

There are numerous native inhabitants on the coast between Port Nicholson and New Plymouth. They cannot (without starvation), and they will not, alienate the greater part of those lands claimed by the Company and actually sold to settlers, who, of course, have not been able to obtain possession; but there are other tracts available for settlers which can be obtained; and to enable the New Zealand Company's agent to purchase such lands, and give the disappointed settlers some available places on which to locate themselves, I have given Mr. Commissioner Spain the instructions, of which a copy is annexed.

By these, and my letter to Colonel Wakefield, your Lordship will be made aware of the present state of arrangements; and however startling my apparent presumption may at first sight be thought, I feel confident that your Lordship will discover sufficient ground to justify my having so far departed from established regulations.

I will only add further, that Mr. Commissioner Spain's views are thoroughly in accordance with mine on this important question, and that he was unable to suggest any better method of extricating all parties from the extraordinary dilemma in which they are now placed; and that the necessity of acting so as to preserve good feeling between the two races is, to my mind, a paramount duty next to that to my Sovereign.

At Auckland we arrived on the 7th of March, and since that time I have been constantly here. The Bishop sailed in the "Victoria" (Government brig), on the 18th, for Waimate, where his Lordship proposes to remain for some months.

I found that during my absence Major Bunbury had corresponded with your Lordship, on matters which he thought of too pressing a nature to await my return; and that he had made an oversight about the New Zealand Company's claim to land at Taranaki, which I only notice to show your Lordship that I am aware of it, and shall not be misled.

His zealous anxiety to do his duty led him into the affair described in the enclosed papers. (L.)

Happily nothing serious occurred, and now all is as tranquil as usual.

Enclosed is a minute of the proceedings at a meeting which I assembled in consequence of this disturbance. (M.)

Although no serious consequences followed this interruption or the usual tranquillity of the settlement, it was a sharp warning to those here who are apt to deride and undervalue the spirit and strength of the aboriginal race, and a cause of deeply painful feeling in the minds of those who reflect on the unprotected state of the settlements in New Zealand.

Your Lordship is fully aware how much of the prosperity of New Zealand depends upon the settlement of claims to land. To my astonishment, I found at my arrival that not one single Crown grant had been issued for country lands; that the boundaries of claims were in few cases sufficiently defined to enable a grant to be made; and that at least one year's active investigation on the part of the two Commissioners, Messrs. Spain & Godfrey, was yet to be gone through.

K. No. 1.

(N.)

I have made arrangements for expediting this work in all its branches ; as will be shown by the enclosure (N.), but it is very complicated, and cannot be dealt with summarily.

I now come to one of the most important subjects I have to bring under your Lordship's notice : the purchase of land from the natives under very guarded restrictions ; and would beg to refer your Lordship to the enclosure marked (O.) with the accompanying Gazette.

See Minute of
Council.
(O. 1.)

Next, I would draw your Lordship's attention to the regulations for the exchange of land in the same Gazette ; and would refer to your Lordship's despatches on this subject, dated 16th January 1843, and 21st August 1843.

Your Lordship will at once perceive, that as many persons wish to exchange lands at a distance for those nearer the capital ; as there is very little land now at the disposal of Government ; and as the New Zealand Company is a competitor for what little there is to sell or exchange ; it is necessary, in fairness to all parties, that the claimants should compete for the land they desire ; were it otherwise, the few fortunate persons whose claims have been decided on might get all the available land (none being left for other claimants). They would get the best and most profitable land, probably surveyed at the expense of Government, and with a certain title, in exchange for a nominally equal, though far from an equivalent quantity of land, at a distance from any settlement, and with a title not unimpeachable. In many cases it has happened that all those who had claims to particular tracts did not appear before the Commissioners, who, judging from the evidence presented to them, decided favourably for the claimant ; while, perhaps, he had not so valid a claim as they supposed.

The surveying staff has been so much employed in districts at some distance from Auckland, that there is not now much available surveyed country land near the capital ; and of town land, but a limited quantity has remained open to competition, since the New Zealand Company purchased so largely, in consequence of the " exchange arrangement " made in May last.

The natural result of an active competition at public auction will be that a small quantity of choice land will be taken in exchange for large quantities of land at a distance from the capital.

Of the tracts of land thus brought into the possession of Government, I propose eventually to grant portions to the trustees of native reserves, for the benefit of the aborigines ; and to survey and gradually sell the rest, as may appear advisable.

At present there is but a very limited quantity of land which the Government could sell, if put up to auction for money only. The land claimants will be able to undersell the Government as soon as they get their grants, and the few persons who have capital are now waiting for that time to make large purchases.

(O.)

Meanwhile, the natives have been clamorous to sell their lands. They called on the Government to buy, or let others buy ; and great discontent has been caused among them by the inability of the Government to do either. But while they called on the Government to buy from them, it was at a price wholly out of the question. They said : " Let the Government give us as much as it receives from others, or let them buy from us. By the treaty of the Waitangi, we agreed to let the Queen have the first choice (the refusal) of our lands, but we never thought that we should be prevented from selling to others if the Queen would not buy. Is it just to us that you will neither buy at a fair price, nor let others buy, who will give us as large a price as they give to you, after you have bought from us for a trifle ? "

In this state of affairs, unable to buy land for two most cogent reasons,--one the exorbitant demands of the natives, and the other, having neither money nor credit ; beset daily by the importunate demands of powerful tribes, seeing that no sales of land for money could be expected under the existing circumstances already described (referring to the Company's lands and those of the old settlers to be brought into the market), I determined to take that step which I proposed in a letter to your Lordship, dated 16 May 1843, on which a qualified opinion was given in your Lordship's answer, dated June 26th ultimo.

Mr. Commissioner Spain's Report, and Mr. Shortland's Despatch, dated 30th October last, were fully considered by me before I made a decision of such

such consequence as that of consenting to waive the Crown's right of pre-emption in favour of individuals, under however restrictive regulations; but to that decision I found myself obliged to come, without waiting for your Lordship's express sanction.

Governor FitzRoy
to Lord Stanley,
15 April 1844.

Enclosed is an extract from the Minutes of Council on this subject, and I can assure your Lordship, that had I deferred this decision and waited for instructions, the character of the Government would have been so irretrievably injured in the native estimation, and such open opposition to authority would have been the consequence, that our moral influence, by which alone we stand firmly in New Zealand, would have been lost.

(P.)

The consequences of this step, as far as they have yet been seen, are most satisfactory. About 600 acres of land, in small quantities varying from three to 50 acres each, have been purchased from neighbouring tribes at the rate of about 1*l*. an acre, in addition to the sum payable to Government, and all other expenses, making the total cost of these lands at least 35*s*. an acre. Speculators in land are shut out by these regulations; only *bonâ fide* settlers can profit by them.

There is one very material advantage derivable from this new arrangement, which I am sure your Lordship will appreciate; it enables persons who have discovered mines to purchase the limited places containing them, and forthwith commence operations. In these islands copper is abundant, nickel has been just discovered in considerable quantity, manganese is plentiful; bismuth, lead and silver are found; iron, coal, bitumen, limestone, marble and sulphur, are to be had for the expense of quarrying and shipping; besides all which, excellent rock-salt, like that of Cheshire, has recently been found.

If places containing these valuable minerals were bought by the Government, and put up to auction, the original discoverers would be outbid in all probability; therefore they might not care to give information of them. As they lie in detached, some in very distant parts of the islands, the fact of a Government purchase would at once draw attention, cause a gambling speculation at their sale, and an expenditure of capital which ought to go to working the mine.

Of all the minerals above mentioned, I have good specimens now in my possession, or have had them before me for examination.

I trust that your Lordship will approve of my proceedings, and will so represent this temporary exercise of the prerogative of the Crown as to obtain the sanction of Her Majesty.

Your Lordship will observe that I have in no way infringed, much less contravened any of the provisions of the Land Sales Act (of June 1842), which, in fact, is only applicable to those portions of land in New Zealand which have become the property of the Crown by purchase; or, in rare instances, by lapse.

In order to facilitate and hasten the settlement of claims to land, and the issue of Crown grants, I have appointed Mr. R. A. Fitzgerald, the registrar of deeds, to be now provisionally Commissioner of claims (in the place of Major Richmond, who was the third Commissioner), but without any additional salary; and I have to request your Lordship's approbation of this temporary arrangement.

(N.)

The Legislative Council will meet on the 3d of May. It has been impossible for me, with the assistance of the law officers, to prepare measures sooner for consideration.

The critical state of the colony, the accumulation of business (arrears of former years, as well as current details), the short time I have been here, and the necessity for acting promptly, however limited in means or assistance, may be considered in extenuation of apparent delay.

On the subject of Finance, I will address your Lordship in another despatch.

I have, &c.

(signed) Robt. FitzRoy,
Governor.

Enclosure (A.)

Enclosure (A.)

TRANSLATION of a Letter from the Chiefs of Te Aro to Governor *FitzRoy*.

Sir, Governor,

Te Aro, 10 August 1843.

LISTEN to our thoughts, ours, the chiefs of this place. The Europeans are very hard upon us respecting our lands and the lands of our missionaries. They want to take them; but we say, let not our lands be taken by any one; they have not been sold. Some time ago they were secured by deposit by Mr. Busby, of the Wesleyan Mission, to be kept as a place for us and our missionaries. But on account of the hastiness of that European, Colonel Wakefield, we have been all in confusion. We do not want the whole of Te Aro for ourselves and for our missionaries; no, let the Europeans have it; but our pah and the mission place, let them not be taken, for we will not agree to it. Sir, with you is the judgment; be good to us; do not let our lands be taken away by the Europeans. Sir, Governor, let your thoughts respecting our lands be right; let your word be a word of power, that we may keep our pah, as there is plenty of room on the Aro, outside of it, for the Europeans; and the land of our missionaries, let it come to us natives of Te Aro, let it be sacred, that no Europeans presume to take it. All outside Te Aro, I am content should go to the Europeans. Let us also have some cultivation grounds on the hills, from which we may derive sustenance for our bodies, for by food we live. As the book says, "Meats for the belly, and the belly for the meats;" but if neither are cared for, the body will not continue to sleep fasting.

Sir, Governor, when this letter reaches you, and you see that we leave the matter with you, do you write to the Commissioners of Land, to Mr. Spain and Mr. Clarke, to the Protectors of the Natives of Port Nicholson; we leave it with you, and Mr. Spain and Clarke.

This is all.

From the Chiefs of Te Aro.

(signed) *Mohi Irgaponga.*
Parai.
Ropiha Moturva.

(True translation.)

(signed) Thomas S. Forsaith.

Enclosure (B.)

Enclosure (B.)

TRANSLATION of a Letter from the Chiefs of Kumutoto to Governor *FitzRoy*.

Friend, Governor,

Port Nicholson, 26 January 1844.

THIS is my speech to you. Listen; we wish to speak about our lands that you may pay us for them. If you consent to pay us, we say, let one part of the land be for you, the other for us. Nevertheless, this is only a proposal from us: if you are willing to pay for our lands, well; if not well, let them remain for us. If we had been paid by Colonel Wakefield, it would be all right; but we did not join in their meeting when they sold the land. But you have heard from Mr. Spain the nature of our thoughts; he knows all about it.

This also we wish to say to you; we are not willing that Colonel Wakefield should pay us for our lands; we say, let the Governor pay us, that we, the natives, may dwell in peace.

The Europeans are ill-disposed towards us all; their anger towards us is great; they say when the Governor arrives and they hear his word, giving permission to kill the natives, we shall all be killed by the Europeans. This is the talk we have heard; therefore, we write it that you may hear.

This is all we have to say on these subjects.

There is another thing we wish to speak about, viz., our protector, Mr. Clarke, that you may instruct him in your plans, but do not send him away to another place; let him remain at Port Nicholson permanently, as long as he lives and as long as we live.

There is another subject, O friend Governor, that I wish to speak to you about. How is it to be settled respecting the European that is living on my land? ——— is his name; I say, let him pay me; if not, let him remove. I am not content that the payment (or rent) should go to Europeans. This is a bad regulation for us; the Europeans say we are only like dogs. I have been striving a whole year with the lawyers for them to write me a letter concerning the house occupied by this European, but they would not. Mr. Saint Hill has endeavoured to get the payment to be made to him. Friend, Governor, I am not pleased

pleased with the proceedings of the Europeans. I, therefore, shall strive with you that you may consent, saying, yea, yea, no, no; for what is beyond these cometh of evil.

This is all I have to say.

From your loving friend,

(signed) *William Tako*,
Chief of Kumutoto.

(signed)	Irga Tata.	Tame.
	Pakau.	Te Tan e.
	Koenoka.	Anaru.
	Rupena.	Ko Iwi.
	Paratene.	Honi Parani.
	Ewaru.	Paramena.
	Pirimiha.	Ngaweka.
	Hohaia.	Tiru.
	Tipene.	Mou.
	Timo.	Aperahama.

This is all.

(True translation.)

(signed) Thomas Spencer Forsaith.

Enclosure (C.)

MINUTES of a Conference held at Wellington with the Principal Agent of the New Zealand Company, relative to Settlement of Port Nicholson and other Land Claims.

Enclosure (C.)

Minutes of Conference at Major *Richmond's*, Monday, 29th January 1844.

THE meeting which had been notified to take place, for taking into consideration the means of settling the land claims question, being convened,—

Present: His Excellency the Governor; Mr. Commissioner Spain; Major Richmond, Chief Police Magistrate; Mr. Hamilton, Private Secretary; Mr. Protector Clarke; Mr. Protector Forsaith; Colonel Wakefield, Principal Agent of the New Zealand Company.

Before opening the business, his Excellency addressed Colonel Wakefield, and said that he should prefer some gentlemen being present who might be able to assist and advise Colonel Wakefield on the matters to be discussed; upon which Colonel Wakefield named Dr. Evans. Dr. Evans was then sent for. His Excellency then said, "Colonel Wakefield, I am about to address you on the land claim question; I consider it one of the most important subjects that can be mentioned as affecting the interests of this settlement, and I wish to know whether your views on this subject are the same as those which were entertained by you at the former negotiation between yourself and Mr. Spain on the subject." The Colonel said, "They are in no way modified, excepting from despatches received by me since that period, by which I am enjoined to leave the matter entirely to your Excellency; as I consider the arrangement entered into between Lord Stanley and the Directors point out the precise plan upon which the question is to be adjusted." His Excellency said, "The subject of the land claims as treated of by Mr. Spain, when he last left Port Nicholson, and the correspondence between the Home Government and the Directors on this subject, are, I consider, entirely distinct; but, if I understand you correctly, you are willing to leave the matter in my hands." Colonel Wakefield assented, saying in some points he should have no hesitation in leaving it entirely to his Excellency; on some other points he should wish to make a few remarks: "I know I have been accused of a breach of faith in breaking off the correspondence of Mr. Spain, but I imagine that I shall experience no difficulty in exculpating myself from such a charge, when both sides of the question are fairly heard." The Governor disclaimed all intention of bringing any charge against Colonel Wakefield, and then entered into a detailed account of the views entertained by the Directors and Government at home, bearing the highest testimony, from his own personal knowledge to the honourable character of the Directors, who were his personal friends, and concluded by urging the necessity of entering at once into a fair and open arrangement, which would be satisfactory to all parties. He then said, addressing the Colonel, "If you have nothing more to mention I will make a proposition to you, which you can either reject or accept, leaving you sufficient time to consider it maturely." Colonel Wakefield said, "I apprehend the simple question is,—Am I, as agent of a commercial company, authorized to draw upon the Company for any amount of money which may be required?" The Governor said, "Pardon me, the question does not simply depend upon this; I apprehend the principal question is,—Whether, upon concluding such an arrangement as that formerly proposed by you, the natives should be compelled to give up their pāhs and cultivations, as this the Commissioner very properly refused to recognize?" Colonel Wakefield expressed his surprise that such a conclusion should be drawn, and denied ever having entertained an opinion of the kind. Mr. Spain requested that the correspondence might be read. The correspondence between the Colonel and Mr. Commissioner Spain

was then produced, and the following extract read from a letter from Colonel Wakefield to Mr. Spain, dated 24th May 1843 :—" And on the 1st of March last requested Mr. Clarke to be good enough to determine upon one proposal to include all claims for the Port Nicholson district, if there were any beyond those he had advanced, and upon such terms as would have no question as to the surrender of the paha and cultivations required for the settlement, so soon as the natives could be reasonably expected to leave them. I also stated that it was utterly beyond my power to become a party to any arrangement that did not prospectively at least provide for the cession of any such lands, as might already, under the sanction of Government, have been allotted to individuals or vested in the corporation of Wellington for public purposes."

In explanation Colonel Wakefield said, " I understood you to say, I wished to dispossess the natives of their paha and cultivations ; but how can that be, when it is evident I wished to purchase them." The Governor said, " This was irrelevant, or amounted to the same thing, as it could lead to nothing else." What was the object of purchasing these cultivations, but for the purpose of taking possession of them ? and I believe this was the sole reason (viz. the refusal of the Commissioner to recognise such an attempt) why the correspondence was abruptly broken off." Colonel Wakefield said that his idea of possessing the native paha and cultivations had always been prospective, and he appealed to Mr. Spain, whether he had ever expressed an intention to dispossess the natives by compulsory measures. Mr. Spain said in answer, " I have always told you it was contrary to my instructions and out of my power to compel the natives to sell their paha and cultivations, and that you must be aware that if I exceeded my powers and instructions, my acts would not be recognised at head quarters ;" and further, Mr. Spain appealed to Mr. Clarke whether he had not reported that the natives positively refused to sell their paha and cultivations : Mr. Clarke answered in the affirmative.

Colonel Wakefield said, that he certainly entertained the idea of a prospective surrender of the native paha and cultivations, and that such contingent expectations had been implanted in his mind, and warranted by Mr. Clarke's letter. The Governor dissented from such a view being at all warranted by Mr. Clarke's letters. The following extract of a letter from Mr. Clarke to Colonel Wakefield was then read, dated 2d March 1843 :—" With respect to their paha and cultivations, you observe you are bound in candour to state, that it is utterly out of your power to become a party to any arrangement which does not prospectively at least provide for the cession of any such lands as already, under the sanction of the Government, have been allotted to individuals, or vested in the corporation of Wellington. I must confess my ignorance of any permission granted by Government to the Company to allot to any individual purchaser any portion of a paha, in the present actual occupation and possession of the aborigines ; on the contrary, my official instructions pointedly and repeatedly inform me, that under any circumstances the Government will maintain the natives in the possession of their paha and cultivations so long as they are desirous to retain them ; and I, on my part, and on behalf of the aborigines, beg to be clearly understood, that it is contrary to my instructions, and utterly out of my power, to become a party to any arrangements which stipulate for the cession by the natives of their paha and cultivations to the New Zealand Company, under any circumstances, without their own free consent."

This passage was read twice over by his Excellency, who said, " If Mr. Clarke had been sitting before Lord Stanley when he wrote that letter, he could not have expressed Lord Stanley's views more clearly ; but without any more discussion on the meaning of certain documents, I ask you, Colonel Wakefield, are you now prepared to make a fair compensation to those natives who may be entitled to receive it, without including their paha, their burying places, and their grounds actually in cultivation ?"

Colonel Wakefield said, " Before I answer this question categorically, I must ask what are to be considered cultivated grounds ; those we found in cultivation, or those that have been cultivated since the formation of the settlement ?" The Colonel then described the conduct of some of the natives, as encroaching upon settlers' lands, affirming them to be cultivations. His Excellency said, " Unquestionably what ground is in actual use and occupation of the natives must be considered as theirs, and they cannot be dispossessed, unless it can be shown that such occupation is an encroachment on the part of the natives upon lands, a valid title to which can be substantiated by the Company." Colonel Wakefield then adduced the case of Mr. Swainson, and said, that although he doubted not a small compensation would have sufficed at the time to satisfy the natives, yet the question involved so many others of a similar character that it could not be satisfactorily entertained. In reply, the Governor said, " Yes, one of the questions it involves is, that the settlers who purchase lands from the Company at home, having paid for such lands, but who on arriving here find that the Company cannot put them in possession of such lands, or give them a valid title to the same, will have their remedy in an action at law against the Company."

His Excellency then went on to assure the gentlemen present, that the policy of the home Government towards the aborigines would be founded upon the strictest principles of justice ; at the same time, that he felt it his duty to do all in his power for the welfare and prosperity of so large a body of settlers as had immigrated to this place, and he would therefore again ask the question he had already put to Colonel Wakefield (his Excellency then repeated the question), remarking, that it was a question of general principles. He said, " If we agree upon this general principle of compensating the natives for lands for which they are entitled to receive it, without reference to their paha or cultivations, the details of the arrangement can be adjusted to mutual satisfaction afterwards." Colonel Wakefield

Wakefield then said in answer to the question : " I am prepared." The Governor then said, " The principal difficulty is now removed, and I doubt not we shall, without difficulty, agree upon the details. But before we proceed to take into consideration how much, or when compensation is to be paid, let it be understood that I consider the limits of the pah to be the ground that is fenced in around the native houses, including the ground in cultivation or occupation around the adjoining houses without the fence." Some discussion took place as to the nature and meaning of the word " pah ;" Mr. Clarke said it would apply to any settlement; Mr. Spain said, by pah, he understood a native village; the Governor then asked Mr. Forsaith his opinion, who said, " I should consider a pah more particularly a fortified village, or houses within a fence; houses without fences he should term ' kaingas.'" Dr. Evans said, he coincided with Mr. Forsaith. The nature and meaning of the term " cultivation grounds " was then discussed; and the question debated, as to the time from which the cultivation and occupation of grounds by the natives was to be reckoned; when the Governor said, " By cultivation grounds, I understand those tracts of country which are now used by natives for vegetable productions, or which have been so used by the aboriginal natives of New Zealand, since the establishment of the colony." The Governor then said, " I will now ask whether, in the event of a sum being agreed upon as a reasonable amount for compensation, you are prepared to provide the necessary funds without delay?" The Colonel answered, " I am." The Governor then said, addressing himself to Mr. Spain, " I think we are now prepared to request you, as Her Majesty's Commissioner, to resume your duties, or rather to continue your exertions as umpire, in effecting the speedy settlement of this question;" then turning to the Colonel, he said, " I suppose you have no objection to the same arrangement as has hitherto existed; Mr. Clarke, on the part of the natives, yourself, or some one appointed by you on behalf of the Company, and Mr. Spain, as umpire, whose award will be finally referred to me, I reserving to myself the power of final ratification." The Colonel said he had no objection to this arrangement. Some conversation then was held on the lands to be so estimated for compensation, and they were defined to be, all that had been surveyed or given out for selection in the Port Nicholson district, independent of the pahas, cultivations and reserves. Some further conversation was then held, and instances adduced by Mr. Spain, which might form special cases, &c., and the Governor then concluded, by addressing Mr. Spain and Mr. Clarke, saying, " I need hardly remark, that it will be necessary for you to be as reasonable and considerate as strict and impartial justice will allow; and" (addressing himself more particularly to Mr. Clarke) he said, " I trust you will consider it a sacred duty to be as moderate as justice will allow; we know that the natives are apt to be exorbitant, and you must not fail to impress upon their minds the comparatively valueless nature of their lands when the settlement was formed; the basis of the negotiation is to be an equitable compensation, founded upon the principle already recognized by the Home Government; viz. that 5s. per acre was to be allowed for the purchase and incidental expenses attendant upon the emigration of settlers, &c., and other expenses involved in the acquirement of land in New Zealand."

The meeting then separated.

I certify this to be a true copy of the original minutes which were taken by me, and approved by the Governor.

(signed) *Thomas S. Forsaith.*

Enclosure (D.)

WARRANT issued by Magistrates at Nelson against Rauparaha and Rangihaeata,
Native Chiefs.

Enclosure (D.)

Nelson,
New Munster, } To Mr. William Tuder, Chief Constable at Nelson, and others whom it may
New Zealand, } concern.
(to wit.)

WHEREAS complaint hath been made before us, David Monro, George Duppa, Constantine Augustus Dillon, and James Stewart Tytler, esquires, four of Her Majesty's justices of the peace for the said colony, on the oaths of Seth Howland, George Tod, John Lloyd, Alexander M'Clune, John Miller, Thomas Hannan, Richard Planter, Henry Wray, John Kidson, George Bampton, Joseph Morgan, Eugene Bellairs, James Grant and others, all of Nelson, in the colony aforesaid, and on the solemn affirmation of Frederick Tuckett (being one of the people called Quakers), also of Nelson, that Te Rauparaha and Ra Rangihaeata, two native chiefs of New Zealand, in company with many others whose names are unknown to this court, on the seventeenth day of June, now the year of our Lord one thousand eight hundred and forty-three, at the Wairau, in the colony aforesaid, feloniously, wilfully and of their malice aforethought, did kill and murder one Henry Augustus Thompson, by striking, cutting and wounding the said Henry Augustus Thompson on the head and other parts of his body, by an axe or tomahawk, thereby giving to the said Henry Augustus Thompson divers mortal wounds, of which said mortal wounds the said Henry Augustus Thompson died. One Arthur Wakefield, by striking, cutting and wounding the said Arthur Wakefield on the head and other parts of his body, with an axe or tomahawk thereby giving to the said Arthur Wakefield divers mortal wounds, of which said mortal

wounds the said Arthur Wakefield died. One Richard England, by striking, cutting and wounding the said Richard England on the head and other parts of his body with an axe or tomahawk, thereby giving to the said Richard England divers mortal wounds, of which said mortal wounds the said Richard England died. One George Rycroft Richardson, by striking, cutting and wounding the said George Rycroft Richardson on the head and other parts of his body with an axe or tomahawk, thereby giving to the said George Rycroft Richardson divers mortal wounds, of which said mortal wounds the said George Rycroft Richardson died. One James Howard, by striking, cutting and wounding the said James Howard on the head and other parts of his body with an axe or tomahawk, thereby giving to the said James Howard divers mortal wounds, of which said mortal wounds the said James Howard died. One William Bennett Palchett, by shooting and discharging a certain musket or gun, loaded with gunpowder and a bullet or bullets, at and against the said William Bennett Palchett, thereby giving to the said William Bennett Palchett in and upon the side of the said William Bennett Palchett one mortal wound, of which said mortal wound the said William Bennett Palchett died. One Thomas Tyrrell, by shooting and discharging a certain musket or gun or other fire-arm, loaded with gunpowder and a bullet or bullets, at and against the said Thomas Tyrrell, in and upon the throat of him, the said Thomas Tyrrell, one mortal wound, of which said mortal wound the said Thomas Tyrrell instantly died. These are, therefore, in Her Majesty's name, to command you the said William Tudor, chief constable, to apprehend and bring the bodies of the said Te Rauparaha and Rangihaeata before us or any other of Her Majesty's justices of the peace, to answer the said charge, and to be further dealt with according to law.

Given under our hands and seals, at Nelson, this twelfth day of October, one thousand eight hundred and forty-three.

Geo. Duppa, J. P.
C. A. Dillon, J. P.
James A. Tytler, J. P.
D. Monro, J. P.

Enclosure (E.)

Enclosure (E.) Copy of Minutes of the Proceedings at Waikanae, Cook's Straits District, on
 12 February 1844.

On Monday, the 12th of February 1844, his Excellency Governor FitzRoy, accompanied by Sir Everard Home, Captain of Her Majesty's ship "North Star," Major Richmond, Mr. Commissioner Spain, Mr. Hamilton, Mr. Forsaith, and several officers belonging to the "North Star," landed at Waikanae.

His Excellency and suite were received on shore by the Rev. Octavius Hadfield, Messrs. Clarke and Symonds, and a large body of natives, who, to the number of 300 and upwards, soon assembled in a large open enclosure within the pah.

His Excellency commenced by reading the following address:—

"I salute you, chiefs and elder men. Health to you. Peace be among you. I am glad to see you. I rejoice to meet you here. I have much to say to you, many important things. I have heard of all that has been done; some things good, but some very bad. When I see your church, the work of your own hands, and when I hear from your true friend, Mr. Hadfield, what progress you have made in Christian knowledge, I rejoice greatly; but when I hear of the evil that has been done by some, I can hardly believe it can have been done by any of the same people; so bad is it in my sight.

"I have heard of all that happened at the Wairau, according to the Pakeha's account, and it has grieved my heart exceedingly. I now ask you to tell me your story, that I may compare the two, and judge fairly; when I have heard your account of that dark day, I will reflect and then tell you what I shall do. The bad news I have heard about killing the Pakehas so cruelly at Wairau, after they had ceased fighting, and had trusted to your honour, has made my heart very dark, has filled my mind with gloom. Tell me your story that I may compare it with the Pakeha's, and know the whole truth.

"When I first heard of the death of my friends, of the Pakehas who fell at Wairau, I was very angry, and thought of hastening there with many ships of war, with many soldiers and several fire-moved ships (steamers); had I done so, your warriors would have been killed, your canoes would have been all taken and burnt, your houses and paha would have been all destroyed, for I should have brought with me from Sydney and other places an irresistible force.

"But these were hasty, angry, unchristian thoughts, they soon passed away. I considered the whole case; I saw that the Pakehas had been very much to blame, even by their own account, and I saw how much you had been provoked.

"Then I determined to put away my anger and come to you peaceably; let me hear your story."

Rauparaha then rose, and several voices from among the crowd of his countrymen urged him to speak out that they might all hear. He said:—

"There was no evil intended in the commencement of this affray. Land is the foundation of all our troubles; the Europeans say it is theirs but who says so besides themselves?

"The-

"The 'Tory' came to Port Nicholson, and that was the commencement of the evil. We heard of the sale of that place by Warepori and Puni. Warepori was smoking his tobacco and wearing his blankets alone; we never agreed to it; payment was made, but we never received it; thus grew the seeds of evil. Who authorized Warepori to receive his payment? Who authorized him to do it privately? Why did he not call the people together and pay them all?"

"The 'Tory' anchored off Kapiti; Colonel Wakefield wanted to buy all the land," (here Rauparaha mentioned the names of several places), "but all which I sold was Blind Bay and Massacre Bay."

"I and Tungia sold these places, and Warepori and Puni sold Port Nicholson. The land which I sold to Colonel Wakefield, I sold myself, I did not consult any body; Colonel Wakefield then went to Taranaki, and when he returned he laid claim to all the land; nothing was said concerning Wairau, till now he claims it."

"There was no adequate payment made; all I received was"—(here he commenced enumerating articles, but was told that he need not go into those details)—Rauparaha continued: "I wished to enumerate them, because Colonel Wakefield says, the Maories are holding back the land which I have been paid for; Porirua also is claimed by Colonel Wakefield, but Rangihaeata will never consent to sell it. Now I come to Wairau. Wairau was taken away by Thompson and Wakefield (meaning Captain Wakefield). When we heard they were surveying the land, we went to Nelson to forbid them doing so; we went to Captain Wakefield's house; he said, 'I must have Wairau;' I answered, 'No, you shall not have it.' He said, 'If you do not give it up, you shall be tied in this manner.'" (Here Rauparaha, to explain his meaning of the threat held out by Captain Wakefield, put his hands in the position of a person handcuffed.) "Rangihaeata said, 'I will not give up Wairau, neither will I be taken prisoner by you;' Captain Wakefield then said, 'We will shoot you.' 'Well, what matter if you do, we shall lose our lives, but Wairau shall not be taken.'"

"After this interview at Nelson, Captain Wakefield sent over more surveyors, amongst them was Mr. Cotterell. We heard that the survey of the Wairau was nearly finished; Puaha went to tell them to desist, but they would not; Puaha returned to Porirua, and told us so; we then arose; the chiefs and old men went on board a schooner, and the young men in canoes, to Cloudy Bay; we staid at Totara-nui (Queen Charlotte's Sound) some time, and then went to Wairau; we pulled up until we saw Mr. Cotterell; we then brought all their goods, &c., down to the mouth of the river; our slaves and the Europeans were engaged in moving the things. We then pulled up to the wood and saw Mr. Barnicoat; we told him we had come to fetch him; he had no boat, so we took him and his things on board my canoe, and conveyed them to the mouth of the river, having burnt the huts which they had erected."

"The Europeans then left Wairau for Cloudy Bay, thence to Nelson; we were up the river planting. After this Mr. Tuckett arrived with some people to survey; I went to him and said, 'Come, Mr. Tuckett, you must go.' He said, 'I must survey the land;' I replied, 'No, you shall not;' and brought him down to the mouth of the river. I asked Mr. Barnicoat to remain with me till the boat came for him; the boat, with Mr. Tuckett, had gone to Nelson. We continued our planting till one morning we saw the 'Victoria' (Government brig); then were our hearts relieved, for we imagined that Mr. Spain and Mr. Clarke had come to settle the question of our lands; being scattered about at different places on the river, we took no further notice, expecting a messenger to arrive from Mr. Spain and Mr. Clarke, but a messenger came up to say that it was an army of Pakehas, and that they were busily engaged cleaning their arms and fixing the flints of their guns. They met Puaha, and detained him prisoner; they said, 'Where are Rauparaha and Rangihaeata?' Puaha said, 'Up the river.' They answered, 'Let us go;' Puaha was glad to hear them say this, as he was afraid they would kill him; he afterwards watched his opportunity, and ran away and came to us. A messenger had before come to tell me that Puaha and Rangihaeata had been caught by the Europeans; afterwards, Puaha and Rangihaeata arrived, and we consulted what we should do. I proposed going into the bush, but they said, 'No, let us remain where we are; what have we done that we should be thus beset?'"

"The Europeans slept some distance from us, and after they had breakfasted, came on towards us in two boats; we remained on the same spot without food; we were much alarmed; early in the morning we were on the look-out, and one of our scouts who caught sight of them coming round a point, called out, 'Here they come; here they come.' Our women had kindled a fire and cooked a few potatoes that we had remaining, and we were hastily eating them, when they came in sight. Cotterell called out, 'Where is Puaha?' Puaha answered, 'Here I am; come here to me.' They said again, 'Where is Puaha?' Puaha again saluted them. Cotterell then said, 'Where is a canoe for us to cross?'—(Rauparaha here described the manner of their sitting down, some on one side, some on the other.)—Thompson, Wakefield and some other gentlemen crossed over to us with a constable, to take me, but the greater number stopped on the other side of the creek."

"Thompson said, 'Where is Rauparaha?' I answered, 'Here.' 'Come, you must come with me.' I replied, 'Where?' He said, 'On board the Victoria.' I replied, 'What for?' He answered, 'To talk about the houses you burnt down.' I said, 'What house was it I burnt down? was it a teut belonging to you, that you make so much ado about it? You know it was not; it was nothing but a hut of rushes; the

materials were cut from my own ground; therefore, I will not go on board, neither will I be bound. If you are angry about the land, let us talk it quietly over; I care not if we talk till night and all day to-morrow, and when we have finished, I will settle the question about the land.' Mr. Thompson said, 'Will you not go?' I said, 'No;' and Rangihaeata, who had been called for, and who had been speaking, said so too. Mr. Thompson then called for the handcuffs, and held up the warrant, saying, 'See, this is the Queen, to make a tie, Rauparaha.' I said, 'I will not listen either to you or to your book.' He was in a great passion; his eyes rolled about, and he stamped his foot. I said, 'I had rather be killed than submit to be bound.' He then called for the constable, who began opening the handcuffs and to advance towards me. Mr. Thompson laid hold of my hand; I pushed him away, saying, 'What are you doing that for?' Mr. Thompson then called out, 'Fire!' he called out once, and then Thompson and Wakefield called out together, 'Fire!'" (On being asked which of the gentlemen it was who gave the command to fire, Rauparaha answered, 'Thompson gave the word of command; but Wakefield recommended him to do so.)

"The Europeans began to cross over the creek, and as they were crossing they fired one gun. The women and children were sitting round the fire. We called out, 'We shall be shot.' After this one gun, they fired a volley, and one of us was killed; then another, and three were wounded; we were then closing fast. The Pakehas' guns were levelled at us. —(Here he described, by comparison, the distance between the contending parties.)—I and Puaha cried out, 'Friends, stand up and shoot some of them in payment.' We were frightened, because they were very close; we then fired, and three of the Europeans fell. They then fired again, and killed Rongo, the wife of Rangihaeata; we then lent all our energy to the fight, and the Europeans began to fly. They all ran away firing as they retreated. The gentlemen ran too; we pursued them, and killed them as we overtook them. Captain Wakefield and Mr. Thompson were brought by the slaves who caught them to me. Rangihaeata came running to me, crying out, 'What are you doing? Your daughter is dead: what are you doing, I say?' upon which some heathen slaves killed them." (Rauparaha here particularly mentioned that those who killed the prisoners were, to use his own literal expression, 'devils,' not missionaries, meaning heathen natives.) "At the instigation of Rangihaeata, neither Puaha nor the christian natives being present."

"There was no time elapsed between the fight and the slaughter of the prisoners; when the prisoners were killed, the rest of our people were still engaged in the pursuit, and before they returned they were all dead. I forgot to say that during the pursuit, when we arrived at the top of the hill, Mr. Cotterell held up a white flag, and said, 'That is enough, stop fighting.' Mr. Thompson said to me, 'Rauparaha, spare my life;' I answered, 'A little while ago I wanted to talk to you in a friendly manner, and you would not; now you say, 'Save me;' I will not save you.'"

Rauparaha continued: "It is not our custom in war to save the chiefs of our enemies. We do not consider our victory complete unless we kill the chiefs of our opponents; our passions were much roused, and we could not help killing the chiefs."

Rauparaha then sat down. His Excellency the Governor said, "I thank you for the relation you have given me. I shall now calmly consider the whole matter, and give you my decision in a short time."

After a silence of about half an hour, his Excellency rose and addressed the natives as follows:

"Now, I have heard both sides; I have reflected on both accounts, and I am prepared to give my decision."

"I, the representative of the Queen of England, the Governor of New Zealand, have made my decision, and it is this:—Hearken, O chiefs, and elder men, to my decision:

"In the first place, the Pakehas were wrong;—they had no right to build houses upon land to which they had not established their claim, upon land the sale of which you disputed, and on which Mr. Spain had not decided. They were wrong in trying to apprehend you, who had committed no crime. They were wrong in marking and measuring your land, in opposition to your repeated refusal to allow them to do so, until the Commissioner had decided upon their claim."

"Had you been Pakehas, you would have known that it was wrong to resist a magistrate, under any circumstances; but not understanding English law, your case was different. Had this been all, had a struggle caused loss of life in the fight, wrong and bad as it would have been in the sight of God, I could not have blamed you so much as the Pakehas."

"The very bad part of the Wairau affair, that part where you were so very wrong, was the killing men who had surrendered, who trusted to your honour as chiefs."

"Pakehas never kill their prisoners; Pakehas never kill men who have surrendered. It is the shocking death of those unfortunate men that has filled my mind with gloom, that has made my heart so dark, that has filled me with sorrow."

"But I know how difficult it is to restrain angry men when their passions are roused. I know that you repent of your conduct, and are now sorry that these men were killed."

"As the Pakehas were very greatly to blame, and as they brought on and began the fight, and as you were hurried into crime by their misconduct, I will not avenge their deaths."

"In future, let us dwell peaceably without distrust. I have told you my decision, and my word is sacred. I will punish the English if they attempt to do what is unjust or wrong. You chiefs must help me to prevent the natives from doing wrong, so that we may live happily in peace, helping and doing good to one another; no man injuring or encroach-

ing

ing on his neighbour, but buying and selling freely, as each may desire, with the consent of the other, but not unwillingly.

"By such measures we shall receive mutual advantages: the natives must not interfere with Englishmen who have settled on land fairly purchased; the English shall not encroach upon land which the natives have not fairly sold.

"No pah nor cultivation nor burying-ground shall be encroached upon or touched by any Englishman, except by the general desire of the natives to whom it belongs.

"Where there is any mistake or doubt about boundaries of purchase, appeal must be made to the law. The law will see justice done, and I will be responsible for its execution by properly qualified persons.

"Recommending you to the advice of your true friends the missionaries, the protectors, and the officers of Government, I now bid you farewell, and wish you all health and the blessing of God."

Enclosure (F.)

COPY of Mr. Tuckett's Account of certain Circumstances preceding the Wairau Affray. Other Circumstances not narrated in the Nelson Examiner, which preceded the Conflict at the Wairau.

Enclosure (F.)

On the 10th of March 1843, Rauparaha, Rangihaeata and E. Hiko arrived at Nelson, each chief accompanied by a few of his retainers, Rauparaha with a plurality of wives as his attendants.

The first interview between the two former and the police magistrate, resident agent and the surveyor, took place in the house of Dr. Wilson. Rauparaha, as is customary with him, was unceasing in his importunity for presents, and claimed compensation of the agent, because, as he alleged, the burial place of some of his people had been disturbed; this demand was conceded to him (in my opinion injudiciously); he particularly requested to have the "utu" in rum, but the agent was firm in refusing to give him what he considered would be pernicious, but promised tobacco, wine, sugar, and a blanket.

These chiefs were aware that we had already, more than once, explored the Wairau, and that we were about to commence surveying it. They came to Nelson, on this occasion, to forbid our doing so, and they soon entered on the discussion of this subject; Rauparaha spoke with all the blandness and suavity of an artful woman.

Rangihaeata, in the other extreme, at once denied our right, and defied us, and never opened his mouth, but to breathe forth threats and defiance. They both asserted that the Wairau was not mentioned, nor intended to be included in the sale of lands made by Rauparaha to Colonel Wakefield; the places which he acknowledged he had sold he enumerated successively, again and again. He professed to be reluctant, yet disposed to negotiate the sale of the Wairau, but said that the cask of gold must be a very big one.

Rangihaeata said they would not sell it, that they wanted it for themselves, and thought of removing there from the Northern Island and occupying it. He declared that if we went there, he would meet us and drive us away, and that we should not have the Wairau until we had killed him.

Nothing would please him; he left the house in a rage, harangued the natives on the beach, repeating his threats that he would kill us if we went to the Wairau. He afterwards met Mr. Cotterell, accosted him angrily for having gone to the Wairau, and informed him he would kill him if he caught him there. Mr. Cotterell, that he might not be mistaken, called to him a very competent interpreter, and requested him to explain to him the speech, on which this ferocious chief again repeated the threat. Rauparaha subsequently addressed to Mr. Cotterell a similar threat.

With great reluctance Rauparaha was prevailed on to proceed after the talk, at Dr. Wilson's house, to the survey office; we wished to show him the native reserves on the plans, and to convince him that we desired to benefit the condition of the resident natives in each district of the settlement; he listened to the explanation with equal contempt and impatience; would not glance a second time at the plan; said that our profession of reserving lands for the Maories was all gammon, humbug and lies, accompanying this expressive phraseology with fit manipulations, placing his thumb on the tip of his nose, pulling down his eyelid, and such like approved acts of incredulity and derision, which association with whalers had made familiar to him. He then said in earnest, that he had sold us all that land, alluding to the reserves; if the resident Maories would not give it up, we might kill them, repeating it, "Kill them, kill them:" there was no occasion for us to make reserves; the Maories could remove; all that land should be ours and then we should not want the Wairau; then he dropped the subject, and began begging again, urging on the agent that the casks must be very big ones; then resuming the subject, he said with a most honied voice, "Do not let your people go just yet to the Wairau;" adding presently, "but if they do go, there shall be no harm." Next morning another interview took place at the agent's office; Rangihaeata equally violent and intractable as before; Rauparaha less complaisant, having no further presents to hope for; the agent, firm to his purpose, calmly replied to his threats by informing them that if they did molest or interrupt the surveyors, he would take three hundred constables with him to the Wairau, and make them prisoners; they parted, Rauparaha affecting courtesy; Rangihaeata sincere, but implacable, refused, with contempt, all the presents which were carried out of the store for him.

They would have left Nelson the same day, but the weather detained them until the 14th instant.

On the 17th of March, Puaha, the eldest son of Rauparaha's elder brother, Nohorua, arrived at Nelson, accompanied by his two brothers. These chiefs reside at Port Underwood, and are resident proprietors of the Wairau. Puaha is acknowledged by Rauparaha as his successor (the future king, as that crafty old murderer likes to style himself) by marriage with the daughter of Tipai; he has great influence with the Ngatiawa tribe, as well as his own. His manners are modest and mild; the expression of his countenance firm but pensive, almost melancholy; he appears to have embraced Christianity from being conscious of the necessity of being emancipated from the thralldom of sin, and his conduct is an example to his people, and in a good degree worthy of his profession. They came here on the same business as Rauparaha, viz., to forbid us to survey or occupy the Wairau. It was known that he was ambitious to become owner of a vessel, like the great southern Maori chief, misnamed "Bloody Jack." A schooner was offered to him as a present if he would acquiesce in our wishes, and acknowledge the purchase of the Wairau, already made by Colonel Wakefield, but Puaha asserted that the alleged sale was a fraud, in which he had been deceived, and that Rauparaha had no authority to sell it, and he refused to accept the schooner. Subsequently a formal conference was held with the three brothers, at which the agent claimed the Wairau as the Company's by purchase, explained to them the benefit the resident natives would derive from the increased value of the reserved lands, and invited Puaha to name all the resident chiefs who had been proprietors of the Wairau, to each of whom he would make a liberal present in token of our friendship, in entering on possession, inviting him also to specify the goods they would prefer. Puaha refused to acknowledge the sale of the Wairau, mentioned many things which he wished to receive for the Kotuaka, stating that he was chief there also, and ought to have received and had the distribution of the goods given to the Maories there. To which the agent replied, that the land having been previously purchased, he only made presents in each district to the resident natives. Puaha kept his temper admirably, and was quite the gentleman; his brothers became angry and impatient, and showed themselves to be unreclaimed savages; the discussion was protracted, each repeating what had been already urged till it was wearisome. The following day a second conference was held, and subsequently a third, with the same result. The three brothers persisted in declaring that they had never sold, and would not now sell, the Wairau. They left Nelson.

Within five weeks from that time, three contractors with about forty labourers commenced the survey of the Wairau.

Nelson, 11 January 1844.

Enclosure (G.)

Enclosure (G.) COPY of a Letter from Governor *FitzRoy* to Captain Sir *Everard Home*, Bart., on his departure with Her Majesty's Ship "North Star" from New Zealand.

Sir,

Wellington, 24 February 1844.

As you are about to sail from New Zealand, in Her Majesty's Ship "North Star" under your command, I think it my duty, as the Governor of the colony, to endeavour to express to you how much service your repeated visits to the principal settlements, and to many other places in New Zealand, have rendered to Her Majesty and the public.

It is my firm conviction that, to your extremely judicious conduct at a most critical period, and to your prompt assistance in any measure likely to be really beneficial, we are indebted, under Providence, for the peace and comparative tranquillity which now prevail in New Zealand.

To myself personally your ready and most friendly support and co-operation have been invaluable.

I have, &c.

Captain Sir Everard Home, Bart.,
Her Majesty's Ship "North Star,"
Wellington.

(signed) *Robert FitzRoy*, Governor.

Enclosure (H.)

PROCEEDINGS at a Sitting of the Court of Claims before Mr. Commissioner *Spain*.

Wellington, New Zealand, 23 February 1844.

Enclosure (H.)

At a sitting of the Court of Claims before Mr. Commissioner *Spain* :—

Present: His Excellency the Governor; His Honor the Superintendent of the Southern Division; Mr. Protector Clarke, jun.; Mr. Forsaith; and the Principal Agent of the New Zealand Company.

The natives of "Te Aro" being assembled, Mr. Thomas Spencer Forsaith was sworn in before the Commissioner as interpreter to the court.

The Commissioner then addressed the assembled natives as follows :—

"When I left you some months since, and went to Auckland, I promised you that I would return as soon as possible, and finally settle the land question. I am now come back to redeem my word, accompanied by the Governor, who has been sent by the Queen to be the ruler and governor of New Zealand.

"He

"He has examined and considered my proceedings about the land, and will tell you the decision. The words of the Governor are sacred, and his decision, which you will now hear, is final.

"I always told you that any promises made to you by the Queen, through her officers, would be faithfully performed, and you will now be convinced of the truth of my words."

Mr. Forsaith interpreted. His Excellency then addressed the natives as follows (Mr. Forsaith interpreting sentence by sentence):—

"My friends, you have now the satisfaction of witnessing the completion of Mr. Spain's promise to you last year. You see that the Government is inclined to act most faithfully, fairly and punctually towards you.

"We, my countrymen and myself, have no wish to obtain any thing from you which you are not willing to part with; my countrymen are only anxious to buy from you what you are inclined to sell, and that you should conclude with them bargains perfectly satisfactory to yourselves.

"When my countrymen first came out here they made several mistakes, in consequence of their not understanding your ways, and your not comprehending them.

"The Queen's officers have done their best to remove the effects of all these mistakes, and the Government is anxious to complete the arrangements for this purpose.

"But this arrangement, made in perfect good-will, and after a thorough investigation, for the sake of the future happiness and comfort of all of us, and of all our families, must be a final one.

"After this, the case must be considered as closed, and at an end; and I hope, that if you have any further inquiries to make, you will make them at once, that we may perfectly understand each other, and agree together, for this must be final.

"I, as your sincere friend, and as being authorized and required to see the most complete justice done you all, am most anxious to see this arrangement carried out, by the distribution of the payment, that there may be no future disputes about it among yourselves.

"I put confidence in what I have been told by your protector, Mr. Clarke; I know that he is your sincere friend, and will advise what is best for you. If you consult and communicate with him, as you have done on this occasion, I feel sure he will recommend what is good for you.

"The Queen of England, in order to put an end to the misunderstandings which have occurred in this country, chose, as you all know, an officer to come out here to settle all these questions. Mr. Spain, having the Queen's confidence, came out to settle these difficulties which have troubled us so long.

"Mr. Spain has also my approval for the extreme impartiality and faithfulness with which he has gone into all these difficulties, and he has my confidence in the impartiality of his future proceedings.

"The Commissioner has investigated your case of 'Te Aro,' particularly; and Mr. Clarke has investigated the subject on your behalf, and has communicated to Mr. Spain what amount of compensation ought to be paid in certain portions to you. You must be all aware that some one must be chosen to represent all of you in making this arrangement; and as Mr. Clarke has made this demand after full consideration, and as the Commissioner is fully aware of the facts of the whole question, I am confident that the fullest justice will be done you.

"If, therefore, you wish to ask any questions, let them be put now, before the money is paid. Mr. Clarke will explain to you what is the arrangement the Government have adopted, and will read to you, presently, the paper which is to be signed by those by whom he designs to receive the money for you, when it is paid.

"I wish, for the sake of the future peace and happiness of us all, to state to you distinctly once more, that after this money is paid, the question as regards the case of 'Te Aro,' will be at an end.

"I wish you to understand this, that there may be no more doubts or mistakes about the land near 'Te Aro,' which you will thus alienate.

"I will never, so far as I can prevent it, allow my countrymen to do you any injustice; nor you to injure them.

"My special duty is to put an end, as much as possible, to all jealousies and disagreements between us; and on this occasion, I wish you, if there be any difference of opinion among yourselves about this payment, to discuss it deliberately and quietly now, that there be no doubts in future.

"The payment about to be made in compensation for land purchased some time ago is made by Colonel Wakefield, as the agent of the New Zealand Company, on behalf of whom he purchased it.

"The Commissioner, I repeat it, for there are some now in the room who were not here when I mentioned it before, is the officer appointed by the Queen to inquire into and decide finally upon all these questions; some one must decide finally, and all who know him, know and believe, as I do, that he will do his best to decide faithfully and impartially for all; no man can do more.

"Now, Mr. Clarke, as protector and sincere friend of the inhabitants of 'Te Aro,' will you read the document which is to be signed by the chiefs you have selected to receive the money for the people of 'Te Aro?'"

Enclosure (K.)

Enclosure (K.)

COPY of a Letter from the Private Secretary, to the Principal Agent of the New Zealand Company, enclosing Copies of Instructions to Mr. Commissioner Spain, and to Mr. Symonds, Police Magistrate.

Sir,

Wellington, 27 February 1844.

I HAVE the honour of forwarding to you, by desire of the Governor, a copy of the instructions which his Excellency has given to Mr. Commissioner Spain.

By these instructions you will see that a purchase or purchases to the extent of not more than 150,000 acres of land, in or near the Wairarapa or Wydeross Valley, and of not more than 250,000 acres elsewhere, are authorized by his Excellency, under that officer's superintendence, under certain conditions.

And by the enclosed copy of instructions to Mr. John Jermyn Symonds, police magistrate, you will perceive that Mr. Symonds is authorized to proceed to New Munster, and there superintend and assist in effecting the valid purchase of not more than 150,000 acres of available land, without regard to figure or continuity of blocks; to which extent, the Crown's right of pre-emption will be waived on certain conditions.

The conditions referred to are—

1st. That all existing arrangements made by Government with respect to the New Zealand Company's settlements shall be strictly observed; except as altered by the present arrangements.

2d. That the land so purchased shall be counted in exchange for an equal number of acres claimed by, and to which a valid title can be proved by, the New Zealand Company elsewhere; it being clearly understood that the purchase-money, in both cases referred to, is to be provided by the Company.

3d. That the exterior boundaries, as well as the interior divisions of the land so purchased, shall be surveyed by, at the expense, and by the surveyors of the New Zealand Company.

By these arrangements being carried into effect, I trust that the Government will enable the New Zealand Company to secure undisturbed possession of a sufficient extent of available land to a numerous and important body of British subjects, who have already settled in New Zealand, in consequence of purchases made by the Company as well as to others of our countrymen, who may hereafter emigrate, under the New Zealand Company's auspices.

I have, &c.

(signed) J. W. Hamilton,
Private Secretary.

William Wakefield, Esq.,
Principal Agent to the New Zealand Company,
Wellington.

Enclosure No. 1, in (K.)

Enclosure No. 1, in (K.) By his Excellency *Robert FitzRoy*, Governor and Commander-in-chief of New Zealand, &c. &c. &c.

You are hereby required and directed to superintend and assist the agent of the New Zealand Company in effecting the valid purchase, or valid purchases, to the extent of not more than 150,000 acres of available land, without regard to figure or continuity of blocks, in or near the Wairarapa, or Wydeross Valley, in the neighbourhood of Port Nicholson; and of not more than 250,000 acres in other places, within the limits claimed by the New Zealand Company, under Mr. Pennington's award; to which extent the Crown's right of pre-emption will be waived, under certain conditions.

Given under my hand and seal this 27th day of February 1844.

Mr. Commissioner Spain, &c. &c. &c. (signed) *Robert FitzRoy*, Governor.
Wellington.

Enclosure No. 2, in (K.)

Enclosure No. 2, in (K.) By his Excellency *Robert FitzRoy*, Governor and Commander-in-chief of New Zealand, &c. &c. &c.

You are hereby required and directed to proceed to New Munster (or the Middle Island), and there superintend and assist the agent of the New Zealand Company in effecting the valid purchase of not more than 150,000 acres of available land, without regard to figure or continuity of blocks.

To such an extent of land the Crown's right of pre-emption will be waived upon your report of the validity of the purchase, on certain conditions.

You will be most careful not to countenance any, even the smallest, encroachment on, or infringement of existing rights or claims, whether native or other, unless clearly sanctioned by their legitimate possessor.

You will inform settlers now established in New Munster that their cases will be most carefully and kindly dealt with by the Government, under the existing regulations, or by a special act of grace, such as waiving the Crown's right of pre-emption in their favour, to a reasonable extent.

You will inform the aboriginal native population that you are sent to superintend and forward the purchase of lands which they wish to sell, and that you, on behalf of the Government,

Government, will not authorize, nor in any way sanction, any proceedings which are not honest, equitable, and in every way irreproachable.

You will exert your authority as police magistrate where it may be required, and report your proceedings from time to time to the superintendent of the Southern Division.

Your knowledge of the native character and habits, your late employment as sub-protector of aborigines, and your own personal conduct, recommend you for this special service.

While absent from Wellington on this important duty, you will be entitled to receive 10 s. per diem for travelling expenses.

Given under my hand and seal, this 27th day of February 1844.

(signed) *Robert FitzRoy*, Governor.

P. S.—You will be furnished with a copy of Lieutenant-colonel Godfrey's report upon claims to land in New Munster, by the first opportunity that may offer for sending it to Wellington.

John Jermyn Symonds, Esq.
Police Magistrate, Wellington.

(signed) *R. F.*

A copy of the above-mentioned report has been sent to Mr. Symonds. He received it on the 30th ultimo.

R. F.

Enclosure (L. 1.)

PAPERS relative to the Rescue of a Native from the Court-house, Auckland.

Enclosure (L. 1.)

COPY of a Memorandum from the Colonial Secretary.

Auckland, 22 February 1844, 6 o'clock A.M.

MAJOR BUNBURY has just received information that the Maories intend to make an attack on the soldiers this day at 11 o'clock, and has given directions that his Honor the Chief Judge be informed of it.

He requests to have the keys of the church from the Reverend Mr. Churton, in order to make use of that building for the ladies and the children, &c., as a place of security, in case of necessity.

By command,
(signed) *Andrew Sinclair*, Colonial Secretary.

To His Honor the Chief Judge.
The Honorable the Attorney-general.
The Reverend Mr. Churton.
The Protector of Aborigines.

Enclosure (L. 2.)

COPY of a Despatch from Major *Bunbury* (acting during Governor FitzRoy's absence) to Lord *Stanley*. Enclosure (L. 2.)

My Lord,

Government House, Auckland, 26 February 1844,

I HAVE the honour to transmit a minute of the proceedings of the Executive Council, which I requested to assemble, to advise me on the subject of the rescue, by a party of natives, of a prisoner from the court-house, on whom a sentence of three months' imprisonment, with hard labour, had been passed.

I am happy to be enabled to report to your Lordship, that the prisoner was surrendered again the following day, by the natives who had committed this outrage, and against three of whom warrants for their apprehension had been issued by the police magistrate.

The return of his Excellency the Governor being daily expected, the execution of the warrants by the military is held in abeyance, in accordance with the advice of the Executive Council.

The tranquillity and confidence which by these occurrences had been suspended for a few moments is now happily restored.

I have, &c.
(signed) *Thos. Bunbury*, Major 80th Regiment.

The Right hon. Lord Stanley,
Secretary of State for the Colonies.

For the Governor.

Enclosure (L. 3.)

COPY Minute of a Meeting of the Members of the Executive Council, convened by Major *Bunbury*.

Enclosure (L. 3.)

Wednesday, 21st February 1844.

Present:—The Honourable the Colonial Secretary, the Honourable the Attorney-general, the Honourable the Colonial Treasurer.

MAJOR BUNBURY, the officer acting during the temporary absence of his Excellency the Governor, informed the Council, that he had invited their attendance, being desirous of obtaining their

their opinions on the measures that should be adopted in consequence of the rescue and forcibly carrying off, by the natives of the Nga-ti-wa-tua tribe, of a native chief name Te Mania, after he had been tried by the judge of the county court, and sentenced to imprisonment and hard labour for three months. Major Bunbury, in continuation, stated, that as the officer commanding the troops in New Zealand, he had received from Mr. Mathew, the police magistrate, a requisition for the aid and assistance of the military in executing a warrant (copy of which is annexed, marked (A.)) for the apprehension of Kawau, the principal chief of the Nga-ti-wa-tua tribe, who it appeared, from the depositions taken, and which would be submitted to the Council, was one of, if not the principal instigator of the outrage; Major Bunbury then directed the clerk of the council to read the depositions taken before the magistrates, copies of which are annexed, and marked (B.), (C.) and (D.)

Major Bunbury informed the Council, that he had also requested the attendance of Mr. Clarke, the chief protector of aborigines, as he was desirous that the Council should be in possession of his opinions on the subject.

Mr. Clarke being in attendance, was then introduced.

Mr. Clarke informed the Council that, in accordance with the request of Major Bunbury he had on the previous night communicated by letter with Kawau, a translated copy of which letter was read and is annexed, marked (E.), and that he had received a reply; a translated copy of which letter was read and is annexed, marked (F.)

Mr. Clarke, in continuation, stated the feeling of excitement among the various tribes he had conversed with on the subject appeared to be very general, and from information he had received, he felt satisfied that the natives of the Nga-ti-wa-tua tribe would never permit the chief Kawau to be taken alive, or even consent to his being given up alive to the constituted authorities.

Mr. Clarke then withdrew.

Major Bunbury then put the following question to the Council:—

Do you consider it essential, upon the depositions that have been laid before the Council, and after the opinion expressed by Mr. Clarke, the protector of aborigines, that the supremacy of the law should be vindicated?

The Colonial Secretary.—I should object to military force being used until the return of his Excellency from the southward; I am apprehensive that the power at present at our disposal is not sufficient to vindicate in a sufficiently summary and decisive manner the outrage that has been committed.

The Attorney-general.—I consider that the case is one so flagrant, that the law has been so openly and violently set at defiance, that it cannot be overlooked, and the guilty parties should, whenever the Government have sufficient force at their disposal, be rigorously dealt with.

The Colonial Treasurer.—Until there is a sufficient force I do not think it advisable to attempt to vindicate the law, and certainly not before the Governor returns from the southward.

Major Bunbury.—As the officer acting for the Governor during his absence, I consider the excitement which would take place among the natives throughout the colony generally, when they hear of the apprehension, by force, of a principal chief of a tribe, might be productive of very serious consequences to the European population, unless sufficient means were at hand to repress at once any hostile display in any part of the colony where it might break out. From my own personal experience, I am disposed to consider the apprehension of any principal chief among the natives would create a stronger feeling than even the sacrifice of a number of lives of the tribe; and I fear that that aristocratic feeling, if I may so term it, might spread through the other tribes, and generally endanger the public peace. As the military officer in charge of the troops, I conceive that I have sufficient force for the apprehension of the offender, but I have not sufficient for the defence of a scattered population, should the natives feel disposed to exercise any act of recrimination.

The Attorney-general.—As it appears from the statement of the officer acting during the absence of the Governor, that he has reasonable cause to consider that the apprehension by force of the chief Kawau and others, concerned in the outrage, would endanger the peace of the settlement; and that, although there would be sufficient military force to effect their apprehension, but not in case of any general disturbance to protect the lives and property of the settlers, I deem it expedient that the use of military force should be deferred for the consideration of the Governor. In the meantime, however, I think it desirable that the protector of aborigines should be instructed, by every means in his power, to explain to the natives generally of the district, the enormity of the outrage which has been committed against the administration of British law; and that as loyal subjects of the Queen, they be called upon to use their influence to effect the recapture of the escaped prisoner Te Mania, in order that the sentence of the law may be carried into effect.

Mr. Clarke, the protector of aborigines, being reintroduced, the last portion of the Attorney-general's opinion was read to him, and he was instructed to carry the same into effect with the least possible delay.

(signed) *Thos. Bunbury,*
Major 80th Regiment,
For the Governor.

(True copy.)
J. Coates, Clerk of Claims.

(A.)—Copy of the Warrant for the Apprehension of the Chief *Kawau*.

New Zealand } To Mr. James Smith, chief constable at Auckland, and others, whom it may
(to wit.) } concern.

WHEREAS complaint hath been made before me, Felton Mathew, esquire, one of Her Majesty's Justices of the Peace for the said colony, on the oath of James Smith, of Auckland, in the colony aforesaid, that Te Kawau, Davis, Te Nana, and other aboriginal natives, on the 20th day of February, at Auckland, in the colony aforesaid, did violently and forcibly rescue in the court house at Auckland, from the custody of the sheriff of the central district of New Zealand, a native prisoner named Te Mania, then under sentence of the county court, for felony: These are, therefore, in Her Majesty's name, to command you, the said James Smith, constable, to apprehend and bring the bodies of the said Te Kawau, Davis, Te Nana, before me, or any other of Her Majesty's justices of the peace, to answer the said complaint, and be further dealt with according to law.

Given under my hand and seal, at Auckland, this 21st day of February, in the year of our Lord 1844.

(signed) *Felton Mathew*,
Chief Police Magistrate.

(True copy.)

J. Coates, Chief Clerk of Claims.

(B.)—Deposition of *Percival Berrey*.

Percival Berrey, being sworn, states,—I am sheriff of the central district of New Zealand; I was in attendance at the criminal sittings of the county court, on Tuesday, the 20th day of February, in performance of my duties as sheriff. Te Mania, a native, was brought to trial; he was tried on a charge of larceny, and convicted and sentenced to three months' imprisonment; when the sentence was pronounced, I ordered the gaoler to remove the prisoner from the dock to the gaol; the native chiefs Kawau and Te Nana were present at the time, and standing near the dock; when I ordered the prisoner to be removed, several natives (with none of whose names I am acquainted) collected around the prisoner, apparently to take leave of him; I repeated my orders to the gaoler to remove the prisoner, and upon his attempting to do so, I saw a native seize the gaoler (George M'Elwain) by the coat; I do not know the name of the native, but could identify him if I saw him; a great scuffle ensued, in which I observed Kawau haranguing the natives, apparently in a state of great excitement; I observed Te Nana take hold of the prisoner, and assist, with several others, to force him from the officer's hands; and during all this time I observed Kawau appealing to and directing the natives; I ordered the doors of the court-house to be closed, and went to assist in shutting them, but they were burst open by the natives, and there was not a sufficient number of Europeans in court at this time to resist them; I then returned to the dock, and observed several natives dragging the prisoner away; Kawau and Te Nana were in the midst, but I cannot say they had hold of the prisoner or of any one else; I then went round through the robing-room to the outside of the court-house door, and directed the soldiers and the constables to keep the door, and if the prisoner came out to take him; the prisoner came out surrounded by natives; Kawau and Te Nana were in the midst of them; he was conveyed up the opposite hill, and succeeded in effecting his escape.

Percival Berrey, Sheriff c. d.

Sworn before me, at Auckland, this 20th day of February 1844.

Felton Mathew, C. P. M.

(True copy.)

J. Coates, Clerk of Claims.

(C.)—Deposition of *James Smith*.

James Smith, being sworn, states,—I am chief constable of police at Auckland; to-day, after the prisoner Te Mania was convicted of larceny, and sentenced by the judge of the county court to three months' imprisonment, he resisted the gaoler in removing him from the dock; I interfered to assist the gaoler, when a number of natives laid hold of the prisoner and of myself; amongst them I recognised a native named Davis and the chief Te Nana and several others, whose names are unknown to me; a struggle ensued, which continued from five to ten minutes, when the chief Kawau, with a number of other natives rushed up, laid hold of the prisoner, and seized upon me and upon the other constables who were assisting me; the natives were armed with tomahawks and bludgeons; I saw one of them make a stab with a spear at constable Hughes' head, but the blow was warded off by Alexander Black; Te Nana and Kawau were particularly active in the rescue; after a long struggle, they forcibly rescued him from the constables, breaking down parts of the interior of the court-house; there were between 30 and 40 natives, all of whom assisted.

James Smith.

Sworn before me, this 20th day of February 1844.

Felton Mathew, C. P. M.

(True copy.)

J. Coates, Clerk of Claims.

(D.)—Deposition

(D.)—Deposition of *Alexander Black*.

Alexander Black, being sworn, states,—I am a carpenter residing in Auckland; I was present to-day at the trial of the native prisoner, *Te Mania*, before the county court: he was found guilty of lacyeny; I was one of the jury; he was sentenced to be imprisoned for three months; after sentence was passed the gaoler attempted to remove the prisoner from the dock, when a Maori woman seized the prisoner and endeavoured to assist him in getting out of the dock; constable Hughes went down the trap within the dock and caught the prisoner by the leg, for the purpose of pulling him down the trap which communicates with the gaol yard; at this time a native, whom I do not know, raised a spear which he had in his hand for the purpose of making a thrust at constable Hughes' head; I struck up his arm, when he turned round and laid hold of me; after a few words in Maori he let go, and I went out of the court-house to call the guard; on my return to the door of the court-house I found it closed, and the native chief *Kawau*, with a number of natives, came up; *Kawau* and several of them pushed violently against the door and burst it open; the natives who were inside then rushed out, carrying the prisoner, *Te Mania*, in their arms; they carried him about 20 yards from the court-house and put him down, when he immediately ran up the hill, accompanied by a number of the natives; I saw the chief *Kawau* particularly active in bringing up the natives to burst open the door of the court-house; a violent scuffle took place inside of the door, and I then lost sight of *Kawau* in the mob.

A. Black.

Sworn before me, this 20th day of February 1844,
Felton Mathew, C. P. M.

(True copy.)

J. Coates, Clerk of Claims.

(E.)—Copy of a Letter from *G. Clarke*, Esq., Chief Protector of Aborigines, to the Chief *Te Kawau*.

Friend *Te Kawau*, Auckland, 20 February 1844.
 We are very grieved for what you did in court. It is a very great crime to rescue a person when found guilty.

You and *Mania* must come to-morrow; if you do not come, the soldiers will have to fetch you; you had better come quietly to-morrow; *Hira* and his companion will be examined to-morrow.

(signed) *G. Clarke*.

(True translation.)

G. Clarke.

(True copy.)

J. Coates, Clerk of Claims.

(F.)—Translation of Copy of a Letter from *Te Kawau* to *G. Clarke*, Esq.

Friend Mr. Clarke, 21 February.
 SALUTING you, listen to me: I will not go (to Auckland); would it not be better for you to come to me? yes, do come here, come to me; that is all. I have finished.

Do you listen to me; because the evil is increasing, the love of many is growing cold (meaning that of natives to Europeans).

(signed) *Te Kawau*.

(True translation.)

G. C.

(True copy.)

J. Coates, Clerk of Council.

Enclosure (M.)

Enclosure (M.) ADDRESS to Native Chiefs, and others assembled at Government House, Auckland, on the 9th of March 1844.

My friends, chiefs of New Zealand, and my friends all,

I AM very glad to have this opportunity of meeting you here. This is a house built for the good of all, we cannot meet in a better place; here we may fully talk over what has passed, and here I will explain to you my feelings and intentions.

My friends, my principal object in coming out to this country was to assist in forwarding the intentions of the greatest power in the world, the great country, whose Sovereign I am come here to represent. From that country I come in hopes that I might be instrumental, under Divine Providence, in conferring the greatest benefits, in promoting Christianity, peace and happiness.

My earnest desire, the earnest wish of my heart, is to see your beautiful country become prosperous, to see the chiefs of New Zealand become like the gentlemen of other countries.

My

My earnest wish is to see you and your countrymen become more and more civilized, more and more peaceable and happy, and yearly more flourishing.

In order to become what you all wish to be, and what I so earnestly wish, a happy community, there are two things most essentially necessary; the first, our duty to God; the second, our duty towards our neighbour, that duty being, to do to others as we would have them do towards ourselves.

I have been in very many parts of the world, and from my knowledge of other countries and other nations, I can say that the intelligence and high sense of justice that prevail among the chiefs of New Zealand, and their countrymen generally, are very remarkable, and convince me that I shall be able to show that what is done, and the measures that are adopted to support the law, are just, and necessary for the welfare of all; and I am sure that I shall convince them of the propriety and moderation of such measures.

In order to prevent quarrelling, and having recourse to violence and fighting, the established law of the land must be supported and acted upon, as strictly as circumstances allow. The law of England is that by which Englishmen are governed; and, as far as it is applicable to your countrymen, in their present uninformed condition, it is your law also. The more you become enabled to understand and comply with its rules and requisitions, the happier you will become as a nation, and individually.

I look upon the law, the established law, as binding in the most irrevocable manner. Next to the law which is given by God, is the law established by the concurrence and consent of the wisest men, after ages of experience and deliberation. That law is looked upon by me as almost sacred; it is next to the sacred law of God; and I am bound to uphold and maintain the law by every proper means in my power.

I was extremely sorry, very, very sorry, to hear, on my return to you two days ago; I was extremely sorry to hear, that in a moment of thoughtlessness and folly, any of my friends living in this immediate neighbourhood (and therefore better knowing the customs and laws of England than those living at a distance); I was very sorry, I repeat, to hear they had been so forgetful of what is right, and so wicked, as to take away a prisoner from a court of justice, where he had been fairly tried, and justly sentenced to punishment, that punishment being less than would have been ordered for an Englishman. He was only sentenced to one-half of the punishment that would have been given to one of my own countrymen under similar circumstances; and in consideration of the prisoner's comparative ignorance of our laws, and other peculiar circumstances of the case, I should have mitigated even that punishment.

Yet, in a moment of thoughtlessness, some who are now present actually used force to rescue the prisoner, to take him away from justice.

Now, when that foolish and thoughtless rescue, that very wrong taking away of the prisoner from the court of justice, when that very wicked liberation was effected, it became the duty of the soldiers, when called upon by their officer, to support the magistrates—the civil power. The soldiers are here to support the law and to maintain peace; they act, when called upon by the civil authorities, for the preservation of order.

It is considered so serious an offence to attempt to take a prisoner from the hands of justice, that the support of the soldiers was immediately called for to bring him back and to put him into custody. Had a similar case occurred in England, soldiers would have been called out, the law would have required support, and would have been supported by the soldiers in the same manner, because it is necessary for the general welfare that the law when established should be maintained; were it not, we should all be in confusion, and no one would know what is right or what is wrong.

I was very much astonished to find that any of the head chiefs of this country should have allowed such proceedings among their followers. I was surprised that they did not at once stop and oppose those thoughtless young men who acted so hastily, and who did not know what they were doing. There would then have been no trouble, no disturbance, and it would not have been necessary for me to call you away from your usual occupations to talk about this disgraceful business.

You all know that your friends who are best disposed towards you would rather suffer extremely than do an act of injustice to you; that those who are your real friends and who are come out to this country for your sakes, would not consent to pass their lives, or any part of their lives, with you, unless the law be observed and maintained by all parties.

In this country, without law, there would be neither happiness nor peace, and your best friends would leave you.

There are many other countries in the world in which they could be useful and happy in doing good. No act of injustice will ever be consented to by those friends, but the established law must be maintained.

The great mistake you made, the great mistake countenanced by you, the principal chiefs, brought with it conduct and consequences which I regret very much. I regret that, by reason of your conduct, harsh measures should have been necessary; but when conduct so wrong and so sinful occurred, strong measures were called for, and if harsh words were used, I am sorry; but I cannot help feeling that such consequences were brought upon you by yourselves, and by your thoughtlessness in resisting that law which every one wishes to see maintained for the general good.

It has been very painful to me to find that harsh conduct should have been adopted to my friend and your respected chief, Kawau, and to my friend Hira. I am truly sorry, because I know their good dispositions, and because I feel that their wrong conduct arose from thoughtlessness, and that if they had reflected, if any friend had warned them properly,

perly, they would have acted very differently. I respect them as head chiefs of their own tribe, and as friends, and I hope that they will continue to cause such feelings of respect. I am sure that their own good sense will prevent them from again allowing any resistance to law. I am sorry their own conduct should have brought upon them such painful consequences, the chiefs and yourselves not being then sufficiently aware of the sacred character in our eyes of the law of the land; but knowing it now, I am confident that such conduct will not occur again; and therefore I will take no more notice of it, but freely forgive all parties implicated.

Since my arrival in this country, I and those who understand the law have been engaged in preparing certain special laws for your good; and particularly to prevent your being dealt with harshly or hastily in cases where you are not sufficiently acquainted with the law. My object and intention is to act in the most friendly and just manner towards you. I have no unkind, no unjust object in view. If I wished to act harshly, I could send for ships of war and thousands of soldiers; you all know what a great country England is, and how irresistibly powerful.

But my object is to act towards you in a fatherly manner; and I would rather leave the country than act contrary to those principles which I came out here to support; those principles being to act towards you as your father and your friend.

If I found it necessary to act harshly and unkindly to you, you would find me most determined in carrying out whatever I thought necessary; but I have such confidence in the judgment of the chiefs of New Zealand, that I am certain, while I act justly towards them, they will act justly towards me, and give no occasion for harsh measures.

Now, my friends, I have said all that appears to me necessary on this subject; I will take no further notice of this painful business, and will say no more to those who were concerned in a very foolish, and what might have been a very sad affair; if any of my friends wish to speak to me on this or any other subject, I shall now be glad to attend to them.

Te Kawau then rose and said,—“Good, good, is the speech of the Governor; the Governor has arranged the matter so satisfactorily, I have nothing to say.”

The Governor.—“When a sentence is passed in court, I, the Governor, have power to mitigate it; the proper course would have been, to have represented the case to me; if proper, I would have mitigated the sentence.”

Te Kawau.—“I did not know what steps to take; it was ignorance on our part.”

Te Nana.—“Kawau has expressed my wishes so fully, that I have nothing to say; the conclusion is perfectly satisfactory.”

Te Waka.—“Sufficient is the present evil, ignorance has been its cause; for the future, we, the chiefs, will abide by the decision of the law: one cause of the anger of the Maories at Oraki was the striking on the head, and the ill-using of one of us by the English.”

The Governor.—“We are now preparing some particular laws for translation, in order that the chiefs may be enabled to see clearly how to act in such cases; I shall ask the assistance of some of them in framing such exceptional laws in their favour, before deciding finally on those regulations.”

Te Matua or Simon Peter.—“This is mine (my speech, or thought, or opinion): the origin of the evil is the difference between our customs and yours; the law is written in justice; but the natural disposition of the Maories is to transgress.”

The Governor.—“It is very difficult for us, doing the best we can, always to cause peace and contentedness, where customs are so dissimilar.

“It is very difficult to make satisfactory laws hastily; it requires much thinking and much discussion; you may depend that such laws will be just towards yourselves, as well as towards my countrymen.

“Where there is any doubt, upon the principle of English law, that doubt should be in favour of the Maories, as comparatively ignorant of the law.”

Katipa.—“This is what I have to say, Sir Governor; do not look on the evil of one man as the evil of us all; one man Te Mania did wrong, and we have all become involved in it.”

Parenga or William Hobson.—“Peace is now made; but let a measure be prepared that such occurrences may not take place again, by our implicating ourselves in the committal of a crime.”

“Kawau here remarked, that in ignorance of the regular course to be observed in a case like that of Te Mania, they had committed an error by the measures they had taken.”

The Governor.—“You may depend upon it that Government and myself individually, never will allow too harsh punishments to be executed. I have power to overrule them, if I see sufficient cause.”

Tomahiki or Davis.—“If there is a doubtful case, can compensation be made instead of being imprisoned?”

The

The Governor.—“Some such arrangement I have been consulting about ; but these things cannot be well done, if hurried ; I, and the law officers, are now considering whether compensation might not be made by Maories under certain circumstances. I am very anxious to make some such arrangements, but I cannot do so without deliberation.”

Enclosure (N.)

EXTRACT Minutes of Executive Council, appointing Mr. *Fitzgerald* a Commissioner of Land Claims.

Enclosure (N.)

Friday, 22 March 1844.

THE next subject his Excellency wished to bring under the consideration of the Council was, the establishment of a land office in immediate connexion with the Surveyor-general's department. His Excellency explained that it was not his intention, in making this appointment, to incur any additional expense ; his object was to unite every thing connected with land, except the payments for and actual survey thereof, under one department ; to carry his views into effect, he proposes to appoint Mr. *Fitzgerald* a Commissioner of Land Claims, in the room of Major *Richmond*, appointed to be superintendent of the southern division, and that Mr. *M'Intosh*, at present a clerk in the Surveyor-general's department, should be appointed secretary to the commission, without any addition to their present salaries. Upon consideration, the Council recommended that the foregoing appointments do take place, and they further recommended that all communications respecting land should be made through the Colonial Secretary, for the information of his Excellency the Governor, who will refer the same, if occasion should require, to a Commissioner, and when acted upon, the same to be returned to the Colonial Secretary's Office for record.

(True copy.)

(signed) *J. Coates*, Clerk of Executive Council.

Enclosure (O.)

COPY of Minutes of a Meeting of Native Chiefs, by Appointment, at Government House, Auckland, on Tuesday, 26 March 1844.

Enclosure (O.)

THE Governor commenced by addressing the natives, as follows :—

“My good friends, I promised, last Tuesday, that on this day I would tell you what new rules should be made, in order to enable you to sell those parts of your lands which you wish to sell, without injuring yourselves now, or causing injury and injustice to your children hereafter.

“The Government does not now wish to buy any more land, having bought as much as is wanted ; and, although I am very desirous that you should not part with much land, for your own sakes and for that of your children, still, as you are very anxious to sell some, I will not now prevent the Europeans from buying some portions of that which you wish to sell.

“The chief reason why the Government interfered in your selling land, was to prevent Europeans from buying great quantities at once from you, before you knew the value of it, and that a consequence of your selling so much land would have been, that you would have left none to cultivate for raising food for yourselves and your children.

“If Europeans were to be allowed to buy as much land as they might choose, in any part of New Zealand, and you were to sell too freely, what would be left for your children or for yourselves, to raise food for sale, to buy clothes, or to raise produce that you might exchange for those necessities of which you will hereafter be in want ?

“But there is a great difference between selling all your land, and selling small portions of it, which you can well spare. There is no longer any objection to your selling such portions to Europeans, provided that my permission is previously asked, in order that I may inquire into the nature of the case, and ascertain from the protectors whether you can really spare it, without injury to yourselves now, or being likely to cause difficulties hereafter.

“Let me take this opportunity of advising you not to part with your land hastily, and only with such portions as you can well spare, and to be cautious to sell to the best advantage, and not to the first person that asks you. See that you get a fair price, and as much as the land will sell for ; be very cautious in making your bargains, in order that when once they are settled, you may abide by them honestly ; in order that there may be no quarrelling, or even misunderstandings afterwards.

“There are some places which I will not sanction Europeans purchasing, however willing any of the owners may be, at present, to part with them. I will not consent to your selling your paha, or your sacred places, or any land about them which you want for your own purposes ; these places I will not allow to be purchased by Europeans, because I know that bye-and-bye you would be very sorry for having sold them ; and, looking forward to many years hence, for your own sakes, I will not consent to your alienating those portions of ground which I know you will want.

I know

"I know that some of the Europeans would try to tempt you to part with such places as those just mentioned, and which you might not think of much consequence now, but which in a few years, when your children are grown up, they will want. You cannot now see what you may require some years hence, and, therefore, I at once refuse my consent to the purchase of such portions of land.

"In the arrangement I have made for allowing Europeans to buy land from you, I have made distinct conditions that one-tenth of all land so purchased is to be set apart for, and chiefly applied to, your future use, or for the special benefit of yourselves, your children, and your children's children.

"The produce of that tenth will be applied by Government to building schools and hospitals, to paying persons to attend there, and teach you not only religious and moral lessons, but also the use of different tools, and how to make many things for your own use.

"Provision will thus be made, in order to prevent your children from suffering by neglect and want of education; the management of these reserves will be entrusted to a board or committee, consisting of the Governor, the Bishop, the Attorney-general, the Commissioner of Crown lands, and the Chief Protector of Aborigines.

"Of course it does not escape your observation, that you will want more clothes from year to year; and if you look only to your present wants, in selling your lands, what will you do some years hence? You must learn to cultivate land, and make clothes, in order that you may be provided for at a future period."

At the desire of the Governor, Mr. Clarke here interpreted the proclamation relative to purchase of land by Europeans, published in the Gazette of this day. (March 26th 1844.)

On coming to Article 4, the Governor desired Mr. Clarke to explain why he would not allow the land north of the Tamaki road to be sold. The natives could not do without it; they must have that land for themselves; and, being so near the town, it would be very valuable in a few years, and would be eagerly sought for by the Europeans.

Te Matua or Simon Peter, after the reading of the 7th Article, remarked:

"There are some lands that have been sold to Europeans, for which perhaps more than one payment has been received as a deposit, but not by the proper parties, the real owners not having been present. How are these cases to be managed?"

The Governor.—"As equitable an arrangement as can be devised will be made in those special cases, each one may differ from another; it is therefore impossible to lay down any fixed rule now for their settlement; but, after due consideration, justice will be done to all parties who have real claims to such land, as far as may be practicable."

After some further conversation the Governor said:

"With respect to fees, referred to in Article 8, they will be employed in paying the expenses of different departments of Government, or in helping to bring out settlers, or in other public purposes. Without some small payment of such a nature, applications would constantly be made by persons who had previously made no bargains with yourselves: these fees will act as a check against too frequent applications for grants, and against applying too soon."

Te Matua.—"The regulations with respect to land are very good; that of securing land to us is very important, and the further provision for reserves is also very good."

Much explanatory conversation followed between the Governor, Mr. Clarke and the native chiefs; many questions being asked and full answers given.

After which it was remarked by Simon Peter or Te Matua:

"Although the regulations are very good, we shall still look to you as our shepherd—our guardian; it will be necessary for you to have a very watchful eye over your own people, as well as for the chiefs over their people."

After this several special matters, referring to former land transactions or existing disputes were referred to the Governor; and, after a great deal of discussion and argument, carried on quietly and in a very sensible manner, all were satisfactorily settled, and the chiefs departed in cheerfulness.

Enclosure (O. 1.)

Enclosure (O. 1) EXTRACT Minutes of the Executive Council, respecting the Regulations for the Exchange of Land.

Monday, 25 March 1844.

HIS Excellency informed the Council, that the first question he was desirous of bringing before them for consideration was the regulations respecting the exchange of land in accordance with Lord Stanley's despatch of 16th January 1843. His Excellency then read the despatch from Lord Stanley, and also a copy of regulations he had prepared, in order to carry out the views of Her Majesty's Government on the subject. Upon mature consideration of the proposed regulations, and after making several amendments, the Council approved

approved of the following, and recommended that they be published for general information.

REGULATIONS respecting the Exchange of Land.

1st. No further exchange of land will be made by the Government, previous to the last week of next June.

2d. There will be no restriction as to quantity of land, whether town, suburban or country, given by the Government in exchange for an equivalent value; or as much more as may be offered in money, or in other land, not yet granted by the Crown, but the claim to which has been recommended to the Governor for a grant.

3d. Before a Crown grant will be issued, the land tendered in exchange for Crown land must be surveyed by Government; and if found less in quantity than the amount stated, the party tendering will be required to make good the deficiency in money, or forego his intended exchange.

4th. Application to exchange land will be received and registered till the 15th June next.

5th. Each such application must specify the quantity of land offered for exchange, the locality of such land, the number and letter (if any) of the land claim, and the Commissioner or Commissioners by whom it was investigated.

6th. No grant will be made out in favour of any person offering to exchange land at the end of June next, whose application shall not have been received by the Government before the 16th day of that month.

7th. A considerable portion of surveyed town, suburban and country land will be put up to auction during the last week of June next, of which due notice will be given; but a sufficient quantity will be reserved for the sales in the months of September and December next, in order that other claimants whose claims may be then unsettled may have fair opportunities of open competition in exchange.

8th. Books will be open at the Treasury for land claimants, in order that they may have credit in land only to the amount of the quantities contained in their respective approved claims, which they may state their readiness to dispose of, at the rate of 1*l.* per acre, in exchange for an equivalent value of Government land.

9th. Transferable notes will be given by the treasurer; on which it will be distinctly specified that the acceptance of such notes by the Government at the above-mentioned sale, in exchange for lands only, will depend on the validity of the claim they are intended to represent, and on their holder making good in money any deficiency in the quantity of land stated.

(True copy.)

J. Coates,
Clerk of Executive Council.

Enclosure (P.)

EXTRACT Minutes of the Executive Council.

Friday, 22 March 1844.

Mr. Clarke, Chief Protector of Aborigines, being in attendance, was introduced.

Enclosure (P.)

His Excellency stated that the next question he wished to submit to the Council was one of a very grave and important nature, viz., "An arrangement for sanctioning the purchase of land direct from the aboriginal owners." His Excellency then read to the Council a draft of the proposed arrangements. After a prolonged discussion, and much deliberation on the subject, it was agreed, that the further consideration thereof should be again submitted to the Council on Monday, the 25th instant, for their final opinions.

(True copy.)

J. Coates,
Clerk of Executive Council.

Monday, 25 March 1844.

THE next question his Excellency was desirous of submitting to the Council was, the consideration for final decision of "the arrangement for enabling the aboriginal owners to sell their lands to certain persons."

The Chief Protector of Aborigines being in attendance, was introduced. His Excellency then read the conditions on which he proposed to waive Her Majesty's right of pre-emption over certain portions of land in New Zealand, to enable him to carry out the before-mentioned arrangements. After considerable discussion, the Council approved of his Excellency's proposed arrangements, of which the following is a copy, and recommended that the same be published for general information.

1. Application is to be made in writing to the Governor through the Colonial Secretary to waive the Crown's right of pre-emption over a certain number of acres of land at, or immediately adjoining, a place distinctly specified, such land being described as accurately as may be practicable.

2. The Governor will give or refuse his consent to waive the Crown's right of pre-emption to a certain person, or his assignee, as his Excellency may judge best for the public welfare, rather than for the private interest of the applicant. He will fully consider the nature

nature of the locality, the state of the neighbouring and resident natives, their abundance or deficiency of land, their disposition towards Europeans, and towards Her Majesty's Government, and he will consult with the Protector of Aborigines before consenting in any case to waive the right of pre-emption.

3. No Crown title will be given for any pah or native burying ground, or land about either, however desirous the owners may now be of parting with them; and, as a general rule, the right of pre-emption will not be waived over any land required by the aborigines for their present use, although they themselves may be now desirous that it should be alienated.

4. The Crown's right of pre-emption will not be waived over any of that land near Auckland, which lies between the Tamaki road and the sea to the northward.

5. Of all land purchased from the aborigines in consequence of the Crown's right of pre-emption being waived, one-tenth part of fair average value as to position and quality is to be conveyed by the purchaser to Her Majesty, her heirs and successors, for public purposes, especially the future benefit of the aborigines.

6. All transactions with the sellers, all risks attendant on misunderstandings, on sales made improperly, or on incomplete purchases, must be undertaken by the buyers, until their respective purchases have been allowed and confirmed by grant from the Crown.

7. As the Crown has no right of pre-emption over land already sold to any person not an aboriginal native of New Zealand, and whose claims is or may be acknowledged by a Commissioner of Land Claims, no grant will be issued to any other than the original claimant or his representative, whose claims have been or may be investigated by a Commissioner, and recommended by him to the Governor for a grant from the Crown.

8. As a contribution to the land fund, and for the general purposes of Government, fees will be demanded in ready money, at the rate of 4 s. per acre, for nine-tenths of the aggregate quantity of land over which it may be requested that the Crown's right of pre-emption may be waived. These fees will be payable into the treasury on receiving the Governor's consent to waive the right of pre-emption. And on the issue of a Crown grant, after an interval of at least 12 months from the time of paying the above-mentioned fee, additional payments will be required, at the rate of 6 s. per acre, in ready money, to be applied to the land fund, and for the general purposes of Government.

9. Land so obtained is to be surveyed at the expense of the purchaser, by a competent surveyor, licensed, or otherwise approved of by the Government, who will be required to declare to the accuracy of his work to the best of his belief, and to deposit certified copies of the same at the Surveyor-general's office previous to the preparation of a Crown grant.

10. Copies of the deed or deeds conveying such lands are to be lodged at the Surveyor-general's office as soon as practicable, in order that the necessary inquiries may be made, and notice given in the Maori as well as in the English Gazette, that a Crown title will be issued, unless sufficient cause should be shown for its being withheld for a time, or altogether refused.

11. The Government, on behalf of the Crown and the public, will reserve the right of making and constructing roads and bridges for public purposes through or in lands so granted, the owners being fairly compensated by other equivalent land as settled by arbitration.

12. No Crown grants will be issued under the foregoing arrangements to any person or persons who may be found to have contravened any of these regulations; and the public are reminded that no title to land in this colony held or claimed by any person not an aboriginal native of the same is valid in the eye of the law, or otherwise than null and void, unless confirmed by a grant from the Crown.

(True copy.)

J. Coates,
Clerk of Executive Council.

Sir,

Colonial Secretary's Office,
Auckland, 184

I HAVE received and laid before the Governor your application, dated the requesting that the Crown's right of pre-emption may be waived over and have to inform you that his Excellency has been pleased to authorize the issue of a certificate of his consent to your request, and that you may receive the same upon paying to the Colonial Treasurer the amount of fees prescribed by the 8th clause of the Regulations of the 26th March 1844.

I am, Sir,
Your obedient servant,

Colonial Secretary.

EXTRACT

EXTRACT from the New Zealand Government Gazette of Tuesday, 26 March 1844.

Colonial Secretary's Office, Auckland,
26 March 1844.

HIS Excellency the Governor has been pleased to direct the publication, for general information, of the following letter from Lord Stanley, on the subject of exchanging land.

By command,
Andrew Sinclair, Colonial Secretary.

Sir,

Downing-street, 16 January 1844.

WITH reference to your despatch, No. 20, of March last, I have to acquaint you that Her Majesty's Government have resolved to allow to settlers generally the opportunity of exchanging their lands in the more remote positions for grants nearer to the town of Auckland.

You are therefore authorized to allow to all claimants, who have established their titles to land, the option of taking land in exchange for it in the unoccupied portions of the district in which Auckland is situated; especial reference being of course had to the proportionate values which have been established in the colony for town, suburban and country allotments.

I have, &c.
(signed) *Stanley*.

PROCLAMATION by his Excellency *Robert FitzRoy*, Esquire, Captain in Her Majesty's Royal Navy, and Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c. &c. &c.

IN order that all claimants to land may be, as much as possible, on an equality with respect to opportunities of making exchanges of land with the Government, the following Regulations are made public, and will be strictly observed.

REGULATIONS respecting the Exchange of Land.

1. No further exchange of land will be made by the Government previous to the last week of next June.
2. There will be no restriction to the quantity of land, whether town, suburban or country, given by the Government in exchange for an equivalent value, or as much more as may be offered, in money, or in other land not yet granted by the Crown, but the claim to which has been recommended to the Governor for a grant.
3. Before a Crown grant will be issued, the land tendered in exchange for Crown land must be surveyed by Government; and, if found less in quantity than the amount stated, the party tendering will be required to make good the deficiency in money, or forego his intended exchange.
4. Applications to exchange land will be received and registered till the 15th day of June next.
5. Each such application must specify the quantity of land offered for exchange; the locality of such land; the number and letter (if any) of the land claimed, and the Commissioner or Commissioners by whom it was investigated.
6. No grant will be made out in favour of any person offering to exchange land at the end of June next, whose application shall not have been received by the Government before the 16th day of that month.
7. A considerable portion of surveyed town, suburban and country land will be put up to auction during the last week of June next, of which due notice will be given; but a sufficient quantity will be reserved for the sales in the months of September and December next, in order that other claimants whose claims may be then unsettled may have fair opportunities of open competition in exchange.
8. Books will be opened at the Treasury for land claimants in order that they may have credit, in land only, to the amount of the quantities contained in their respective approved claims, which they may state their readiness to dispose of, at the rate of 1*l.* sterling per acre, in exchange for an equivalent value of Government land.
9. Transferable notes will be given by the Treasury, on which it will be distinctly specified that the acceptance of such notes, by the Government, at the above-mentioned sales, in exchange for land only, will depend on the validity of the claim they are intended to represent; and on their holder making good, in money, any deficiency in the quantity of land stated.

Given under my hand, and under the seal of the colony, at Government-house, Auckland, this twenty-sixth day of March, in the year of our Lord One thousand eight hundred and Forty-four.

(L. S.) *Robert Fitzroy*, Governor.

By command,
Andrew Sinclair, Colonial Secretary.

GOD SAVE THE QUEEN.

PROCLAMATION by his Excellency *Robert FitzRoy*, Esquire, Captain in Her Majesty's Royal Navy, Governor and Commander-in-Chief in and over the Colony of New Zealand, and Vice-Admiral of the same, &c. &c. &c.

FROM this day, until otherwise ordered, I will consent, on behalf of Her Majesty the Queen, to waive the right of pre-emption over certain limited portions of land in New Zealand, on the following conditions :

1. Application is to be made in writing to the Governor through the Colonial Secretary, to waive the Crown's right of pre-emption over a certain number of acres of land at or immediately adjoining a place distinctly specified ; such land being described as accurately as may be practicable.

2. The Governor will give or refuse his consent to waive the Crown's right of pre-emption to a certain person, or his assignee, as his Excellency may judge best for the public welfare, rather than for the private interest of the applicant. He will fully consider the nature of the locality, the state of the neighbouring and resident natives, their abundance or deficiency of land, their disposition towards Europeans and towards Her Majesty's Government ; and he will consult with the Protector of Aborigines before consenting, in any case, to waive the right of pre-emption.

3. No Crown title will be given for any pah, or native burying-ground, or land about either, however desirous the owners may now be to part with them ; and, as a general rule, the right of pre-emption shall not be waived over any land required by the aborigines for their present use ; although they themselves may now be desirous that it should be alienated.

4. The Crown's right of pre-emption will not be waived over any of that land near Auckland which lies between the Tamaki road and the sea to the northward.

5. Of all land purchased from the aborigines in consequence of the Crown's right of pre-emption being waived, one-tenth part, of fair average value, as to position and quality, is to be conveyed by the purchaser to Her Majesty, her heirs and successors, for public purposes, especially the future benefit of the aborigines.

6. All transactions with the sellers ; all risks attendant on misunderstandings, on sales made improperly, or on incomplete purchases, must be undertaken by the buyers until their respective purchases have been allowed, and confirmed by grants from the Crown.

7. As the Crown has no right of pre-emption over land already sold to any person not an aboriginal native of New Zealand, and whose claim is or may be acknowledged by a commissioner of land claims, no grant will be issued to any other than the original claimant or his representative, whose claims have been, or may be, investigated by a commissioner, and recommended by him to the Governor for a grant from the Crown.

8. As a contribution to the land fund, and for the general purposes of Government, fees will be demanded in ready money, at the rate of 4s. per acre for nine-tenths of the aggregate quantity of land over which it may be requested that the Crown's right of pre-emption may be waived.

These fees will be payable into the treasury on receiving the Governor's consent to waive the right of pre-emption.

And, on the issue of a Crown grant, after an interval of at least twelve months from the time of paying the above-mentioned fees, additional payments will be required, at the rate of 6s. per acre, in ready money, to be applied to the land fund, and for the general purposes of Government.

9. Land so obtained is to be surveyed, at the expense of the purchaser, by a competent surveyor, licensed or otherwise, approved of by Government, who will be required to declare to the accuracy of his work, to the best of his belief, and to deposit certified copies of the same at the Surveyor-general's office previous to the preparation of a Crown grant.

10. Copies of the deed or deeds conveying such lands are to be lodged at the Surveyor-general's office as soon as practicable, in order that the necessary inquiries may be made, and notice given in the Maori as well as in the English Gazette that a Crown title will be issued, unless sufficient cause should be shown for its being withheld for a time or altogether refused.

11. The Government, on behalf of the Crown and the public, will reserve the right of making and constructing roads and bridges for public purposes through or in lands so granted, the owners being fairly compensated by other equivalent land, as settled by arbitration.

12. No Crown grants will be issued under the foregoing arrangements to any person or persons who may be found to have contravened any of these regulations ; and the public are reminded that no title to land in this colony, held or claimed by any person not an aboriginal native of the same, is valid in the eye of the law, or otherwise than null and void, unless confirmed by a grant from the Crown.

Given under my hand, and issued under the public seal of the colony, at Government house, Auckland, this twenty-sixth day of March, in the year of our Lord One thousand eight hundred and Forty-four.

Robert FitzRoy,
Governor.

By command,
Andrew Sinclair, Colonial Secretary.

GOD SAVE THE QUEEN.

— No. 7. —

(No. 40.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Fitz Roy*.

Sir,

Downing-street, 30 November 1844.

ALTHOUGH I am led to believe that no long period will elapse before I receive further intelligence from you, yet I am unwilling to let the New South Wales mail go out without adverting in detail to the many important subjects brought under my notice by your despatch, No. 12, of the 15th of April, which has received all the consideration to which the gravity of the questions discussed in it justly entitle it. I am happy, at the outset of what I have to address to you, to be enabled to convey to you my general approval of the course which you appear to have adopted, and of the tone which you have taken in reference to the various subjects by which on your arrival you found the community distracted. I do not refer to single expressions here or there, in your intercourse with Europeans or with natives, to which, perhaps, exception might be taken, but to the strong sense of justice, and the earnest desire of reconciling differences by an effectual and authoritative mediation which appear to have influenced your conduct; to the boldness and promptitude with which you have promulgated and enforced your views, and met by decided measures the emergencies of your embarrassing position. If in these circumstances you have been compelled to overstep the letter of your instructions, I find sufficient vindication for your course in the necessity for prompt and efficient action, and in the impossibility within a reasonable period of obtaining my sanction to your proceedings. When Her Majesty's Government selected you to fill a very laborious, responsible and ill-remunerated office in a very distant colony, they were fully aware that the discharge of your duties would be impossible unless the largest discretion were left to you; and they felt that they had the best guarantee for your conduct in your high personal and public character, and in your peculiar fitness, at that time acknowledged by all parties most interested for the post which was assigned to you.

Lord Stanley to
Governor Fitz Roy,
30 Nov. 1844.

On your arrival you found a very general dissatisfaction prevailing in the long agitated question of titles to land; jealousies between one part of the colony and another; discontent on the part of the emigrants sent out by the New Zealand Company against the Government, the company and the natives, and alarming animosities between the settlers and the aborigines in the southern districts, recently raised to the highest pitch by the melancholy catastrophe of Wairau. In this state of things you very properly decided to interpose your personal influence and authority, and to proceed at once to the quarter in which the greatest excitement prevailed; and I think you were right in taking the earliest opportunity of explaining to the British settlers the views which you entertained, however much they might be at variance with their preconceived opinions. I am happy to learn from you, that the temporary irritation not unnaturally caused by the first announcement of your sentiments, had shortly subsided; and I trust that no subsequent events have occurred to interfere with or interrupt the amicable and equitable arrangement into which you entered with Colonel Wakefield, entirely in accordance with the understanding come to with myself and with the New Zealand Company, previous to your departure from England.

I am happy to find that the anticipations have been confirmed which I expressed in my despatch of the 13th August, that you would discourage any exorbitant demands upon the settlers; and I congratulate you on the successful result of the firm stand which you appear to have made in the conferences from the 24th to the 27th of February, against the unreasonable demands of the natives, which, I trust, has led to a settlement satisfactory to all parties.

I have read with the deepest interest your report of the conference which you held at Waikanai, on the 12th of February, with the chiefs Te Rauparaha and Ranghiaita, in the presence of the chief police magistrate and other Europeans, and of a large concourse of natives. The decision which you had to take was one of great difficulty. On the one hand, a large number of the Queen's subjects had been put to death in a conflict with the natives, and some of them, I am afraid it is too clear, after the conflict had ceased; and I am well aware of the intrinsic force of the argument (as well as of the additional force which it would derive from the national feelings of the European community, excited by so tragical an event), that to overlook such an offence against the laws, and to abstain from subjecting the

Lord Stanley to
Governor FitzRoy,
30 Nov. 1844.

the offenders to the rigour of justice, must tend to shake British authority, and to encourage further aggression and outrage. On the other hand, the straightforward narrative addressed to you by Rauparaha himself, and the account of certain circumstances preceding the affray by Mr. Tucker, which you enclose, confirm in the strongest manner all the previous evidence tending to show that the unhappy event was mainly caused by the imprudence, to say the least of it, of those who were its victims; that the natives entertained a belief that the land in question had never been sold by those to whom it belonged; that the settlers persisted in surveying it, although they knew that resistance would be made; that the natives were willing to refer the whole case to the Commissioner for whose arrival the Company's agents would not wait; that in destroying the branch-hut erected by the surveyors, the natives believed (and I am not sure that they incorrectly believed) that they were legitimately resisting a trespass; that they studiously abstained from injury to persons or property, and removed the goods of the surveyors before they set fire to the hut; that under such circumstances the charge of arson was one which it would have been very difficult to support, even according to the strictest construction of law; that to attempt on such grounds to arrest and handcuff a proud and warlike chief in the midst of his own people, without an overwhelming force, was an act of the greatest rashness; that the conflict was not sought by the natives, that the first shot was not fired by them, nor the first blood shed by them, and that the prisoners, though brutally slain, were yet slain in the first moments of excitement, before passions had had time to cool. These appear to have been the facts of the case, and on a full and deliberate review of them, bearing in mind also that the capture and trial of the chiefs could not have been effected without further bloodshed; that in the excited state of the public mind an impartial trial could hardly have been hoped for, and that judicial proceedings, commenced after such a lapse of time, could only have had the effect of reviving and aggravating the animosities of race, and rendering future amicable relations more difficult. I am of opinion, that in declining to make the conflict at Wairau the subject of criminal proceedings, you took a wise, though undoubtedly a bold decision, and I trust that the lenity of your course, accompanied by the warning which you gave to the assembled natives, will produce a better effect than an attempt to enforce to the utmost the severity of British criminal law.

I see no reason to disapprove your acceptance of the resignation of the magistrates who signed the warrant for the apprehension of Rauparaha. In reference to the appointment of Mr. D. Sinclair, as chief police magistrate, and of two other gentlemen to support him, I defer any expression of opinion till I shall be in possession of the further despatches which you lead me to expect. Generally speaking, I am disposed to place the fullest confidence in your selection of gentlemen to fill the various offices essential to carrying on your administration, and I feel that you must on the spot have much better means than I can have of judging of the relative fitness of individual candidates for employment.

On the subject of the new appointments which you have felt yourself called upon to make, I am in communication with the Lords Commissioners of Her Majesty's Treasury, and when I shall be in possession of their Lordships' views, I will not delay the issue to you of further instructions.

I have brought under the notice of the Lords of the Admiralty the high terms of commendation in which you speak of the services rendered to you by Captain Sir Everard Home.

I entirely approve of the language held by you to the chiefs in the neighbourhood of Auckland at the meeting which you summoned at Government House in reference to the rescue of a native prisoner; and I think that the observations made, and the temper displayed by the chiefs, are well calculated to refute the erroneous impression which would stigmatize the New Zealanders as savages, and to encourage those who, like myself, entertain a sanguine hope that in New Zealand may be set the first example of an uncivilized race peaceably incorporated with an European population, and subjected to our laws by no other compulsion than that of equal justice and firm moderation, and without any sudden disruption of their own social ties, or any violent interference with their native usages.

I now proceed to the discussion of those parts of your despatch which treat of the steps which you had already taken, and those which you contemplated

in reference to the possession and occupation of land, the subject of all others most deeply interesting, because it lies at the root of all the evils which have hitherto agitated New Zealand, and its early and satisfactory adjustment is of primary importance to the well-being, if not the existence, of the colony. With these opinions I concur in the surprise and regret which you have expressed in finding upon your arrival "that not one single Crown grant had been issued for country lands; that the boundaries of claims were in few cases sufficiently defined to enable a grant to be made, and that at least one year's active investigation remained to be gone through on the part of the land commissioner." It appears from your despatch that you have endeavoured to expedite this branch of the service, among other measures, by the formation, without extra expense, of a land office, in immediate connexion with the Surveyor-general's department, for the transaction of all business relating to lands, except the actual survey of and payment for them.

Lord Stanley to
Governor FitzRoy,
30 Nov. 1844.

In notifying to you my approval of this arrangement, I must at the same time observe, that you do not state whether, in your opinion, the delay which has occurred in issuing the title deeds after investigation of the claims before the commissioners, and which must have caused much inconvenience and injury to the settlers, has been owing to any remissness on the part of the officers of Government. If such be your opinion, you will not fail to make known to those concerned the serious light in which Her Majesty's Government look upon such a dereliction of an important duty.

I approve generally of the measures which you have adopted for enabling persons in possession of large tracts at a distance to dispose of them to the Government, making the orders for payment receivable as purchase-money at sales by auction of land in the neighbourhood of Auckland. This plan, indeed, is somewhat similar to that which was noticed in my despatch of 21st August 1843, and approved, except as to one detail, which is now corrected.

There is, however, one part of the present measure which would appear to call for explanation. By the third clause of the published regulations, it is declared, that the land which is taken in exchange must be surveyed by the Government, but it is not stated whether the survey is to be at the Government expense. It is very proper that the Crown should have the means of ascertaining the quantity and value of land tendered in exchange, and this probably could only be named with accuracy through the means of a Government surveyor. But as the exchange is chiefly for the benefit of individuals, it would appear to be only fair they should bear the expense of the survey, and it is possible this may be intended, but I do not understand the regulations, as at present worded, to convey any such meaning; and I would therefore direct your attention to the subject with a view of providing for the expense of the survey of lands surrendered by the Crown.

Among the questions connected with land which have engaged the anxious attention of the Government, and of yourself, there are none more intricate or embarrassing than those which relate to the settlers under the New Zealand Company. With regard to the claims of the Company itself, it may be safely assumed, that they have claims upon the waste lands of the Crown lying within a certain district, to a certain number of acres, to be taken in blocks of certain defined shapes and dimensions, and to be selected within a limited period. The main difficulty in complying with, and holding the Company to, the strict fulfilment of the letter of these engagements, is that of ascertaining what are the waste lands of the Crown. There is no doubt, that at the time of entering into the original undertaking, it was believed that there was an immense extent of territory, the claims to which had been previously obtained by fair purchase on the part of the Company, or to which no one could assert a valid claim. But subsequent experience seems to show that much more land than was supposed is owned in New Zealand according to titles well understood, either by some individuals, or at all events by some tribes; and that of the vast amount supposed to have been purchased by the New Zealand Company previous to their application to Her Majesty's Government they would experience insuperable difficulties, not in substantiating their own claims (from the necessity of doing which they had been relieved by my instructions to yourself of the 26th of June 1843), but in disproving the claims of other parties, even to the extent awarded them by Mr. Pennington, amounting to little more than one-twentieth of the land assumed by them in their first negotiations to have been validly purchased.

Lord Stanley to
Governor FitzRoy,
30 Nov. 1844.

This being the case, I am of opinion, that so far as the Company are concerned, the concessions already made by Her Majesty's Government are most liberal. But I admit, that the settlers under the Company, who have embarked their fortunes in the purchase of land, and had emigrated to the colony on the faith of a title to be obtained through the Company from the Crown, and who have been subjected to such severe privations and disappointments, have a legitimate claim upon the consideration of the executive. It was, I am aware, with this feeling that you entered into, and it is on this ground alone that I could sanction the arrangement which you made on the 27th February with the agent of the New Zealand Company, in the expectation of the immediate arrival of a body of Scotch settlers, who, but for that interposition on your part, would have found themselves, had they executed their original intention, absolutely unprovided for, and without an acre of land upon which to establish themselves. The difficulties of the New Zealand Company were, fortunately, made public before this body of settlers embarked; but under the expectation of their immediate arrival, I approve of your having taken, in conjunction with Colonel Wakefield, steps for enabling the Company to meet the engagements into which they had entered, so far as the possession of land was concerned.

By the arrangement thus made, you consented altogether to waive in the Company's favour the right of the Crown to pre-emption in respect of 150,000 acres in New Munster, whenever selected by the agent of the Company, and to instruct Mr. Symonds to co-operate with the agent for the purpose of securing the validity of the purchase, and obtaining the consent of the natives. In this arrangement you direct that no regard shall be had to the regularity of figure insisted upon in all the previous arrangements of the Company with Her Majesty's Government. You have, also, I perceive, given your sanction to other purchases being made direct from the natives by the New Zealand Company in the northern island, and which are to be superintended by Mr. Spain, and to consist of tracts of land amounting respectively to 150,000 acres in or near Wairarapa, or Wyderop valley, in the Wellington district, and 200,000 acres elsewhere within the limits claimed by the Company under Mr. Pennington's award. These purchases are also to be made without regard to figure or continuing of block. Acknowledging, as you candidly do, that the whole of this arrangement is entirely at variance with your instructions, you defend the first portion of it on the ground, which I am quite prepared to admit, of the necessity of making some provision for an extensive immigration immediately expected; and in vindication of the latter part, you state that your object was to enable the New Zealand Company to locate their settlers, who having purchased certain lands of them in England could not get possession on arriving in the colony, because the natives would not sell particular sites, whilst, on the other hand, they were quite willing to alienate parts contemplated in the present purchases. You inform me that Mr. Spain agreed with you in thinking this measure necessary to preserve the good feeling between the two races which would otherwise have been seriously endangered. You add, as an argument of more general application, that the system of continuous blocks in the form of regular parallelograms is totally unsuited to New Zealand; that whilst but small spots are available for settlement, the mountainous, woody and barren parts are useless to purchasers; and moreover that it is highly desirable to keep these unalienated, owing to the difficulty which otherwise will be caused to settlers and natives in finding spots available for the exercise of commonable rights, of which cutting fuel would appear to be the most valuable: for, you add, that when all the woody and mountainous parts near the settlement are alienated, although they never will be fit for cultivation, the agents of the owners feel themselves bound to keep off trespassers, in order to assert the rights of their employers. This inconvenience you state to have been already felt in the neighbourhood of Auckland, and to have been much complained of by the natives.

But you consider the chief objection to regular blocks to lie in the interference it causes with the natives, who will not part with particular spots to which they are attached, though desirous, perhaps, to sell all the land around them, and would rather not sell at all than be compelled (as they would be by the system objected to) to remove from the vicinity of settlers, and you observe, that in your opinion, the only way is to leave them free to sell or retain just what particular spots they choose.

Still the concession to the Company is one of very great magnitude; and
whatever

whatever may be the character of New Zealand as to the large proportion of unavailable land comprised within any given block, it must not be forgotten, that this fact was present to the mind of the Company's representative, and doubtless also to the Secretary of State, when a certain low rate of payment per acre was agreed upon in consideration of taking the land in these continuous blocks.

Lord Stanley to
Governor FitzRoy
30 Nov. 1844.

I do not, however, on this account intend to disallow the agreement which you have entered into with the Company, but I feel it necessary to call your attention to one, perhaps only apparent, omission. I do not perceive in the papers sent home that any precautions have been taken to prevent this privilege of purchase granted to the New Zealand Company being exercised by them to the detriment of the colony at large. It would seem that, as there are no limits to their power of selection in the districts in which they are permitted to purchase under this arrangement, except the necessity of buying from the natives, they may have it within their power in these districts to monopolise all portions of land having peculiar value in respect of their aptitude for the sites of towns, ports or mills, or in respect of water-frontages or mines, or even for military or other public works, and they may be tempted to purchase a large number of detached portions of land, and thus to hazard the introduction into New Zealand of all those obstacles to improvement which have uniformly been found to attend the interspersions of great numbers of such tracts in the hands of one large absentee proprietor.

These possible evils may have been provided against, and I admit them to be of less probable occurrence in reference to purchases made from the natives, with the intervention of a Government officer, than would be the case if the selection were totally free; but still they appear to me too serious not to be noticed; and I regret that I see no means of preventing or remedying them, if they should have occurred in carrying out the arrangement which you have made with the agent of the New Zealand Company. As regards purchases which may already have been made, the imposition of any retrospective condition would create extreme inconvenience to all parties, and be the cause of inextricable confusion; but I think it right to call your attention to the subject, and to state to you, that, in my opinion, the adoption and extension of this principle to future purchases from the natives by the New Zealand Company would interfere materially with the existing contract between them and Her Majesty's Government; and I shall expect, that if in any peculiar circumstances you should feel it necessary to offer to them a similar accommodation, you should be careful to attach such conditions to the waiver of the Crown's right of pre-emption as shall, in your opinion, be sufficient to protect the interests of the Crown and the public from the evils which might possibly result from an injurious exercise of a general right of selection. It will also be absolutely necessary, in order to avoid future disputes, that the Company should adopt some means of accurately marking the boundaries of the property thus selected, as soon as the external surveys are completed, and which ought to be finished by some specified time.

There is one other point connected with this subject to which I think it right to advert. In the second condition of the purchases referred to in your letter to Colonel Wakefield, dated 27th February 1844, are the following words: "it being clearly understood that the purchase-money in both cases referred to is to be provided by the Company."

I presume that it is intended that lands which may be thus acquired from the natives, are to be understood as forming part of the extent to which the Company are entitled, under Mr. Pennington's award, and that any payment which may be necessary to complete the title of the Company, is not to become the foundation of additional claims for land, involving a subsequent inquiry as to the amount, and re-opening a question which I should hope would soon be finally settled; but as in your communication to the resident agent of the Company, you have not alluded to the subject, I think it expedient to notice it, in order to avoid the possibility of future misunderstanding.

The arrangement, however, on which I have now been commenting, was adopted under the pressure of peculiar circumstances, limited in its amount, and designed to meet a specific exigency; but in your present despatch you further report that you have, with the concurrence of your council, adopted a more general and extensive measure, calculated to make a far more important

alteration

Lord Stanley to
Governor FitzRoy,
30 Nov. 1844.

alteration in respect to the sale of land. By this alteration, the right of the Crown to pre-emption, secured by the treaty of Waitangi, is waived on the part of the Crown, in reference to all lands under certain specified conditions. I entertain no doubt, but that the original intention of that provision of the treaty was to enable the Crown, as the sole purchaser, to obtain land on easy terms from the native tribes, applying a portion of the proceeds, when re-sold, to the importation of labourers, and the remainder to other public objects, but especially to the purchase of more land, to be again re-sold at a profit, and this operation to be repeated *toties quoties*. You will not fail to observe that this right of pre-emption is a point much insisted upon by the late Committee of the House of Commons, whose Report, however, had not been made at the date of your despatch. Before you left England we had foreseen that this was a subject on which you might be involved in difficulty, and in my despatch of the 13th August I adverted to the personal communication which had passed between us in reference to this very point, and to a suggestion then made, "that a mode might be devised by which parties might be allowed to purchase directly from the natives, the purchaser paying to the Government on each sale such an amount as would be fully equivalent to the ordinary difference between the price paid to the natives, and that at which land is sold by Government." It now appears, that shortly after your arrival, you found that the natives had become clamorous to be permitted to sell land, acknowledging their obligations under the treaty of Waitangi, but urging bitterly the injustice of the Government in refusing either to buy of them, or to permit them to sell to others; and that they had offered land to the Government, although at an exorbitant rate; but the Government having neither money nor credit, was unable to purchase.

Under these circumstances you have thought it necessary, waiving the Crown's right of pre-emption, to pass some regulations in council, establishing, under certain restrictions, a regular system of purchase from the natives. You state that you fully considered all that had been previously written on the subject, before coming to such a decision without my sanction, and you add your conviction, that unless you had taken this step, the character of the Government with the natives would have been irretrievably injured, and all moral influence lost.

You have appended the Minute of a meeting of the native chiefs at Government House, at which you explained to them the meaning of the new regulations, which the chiefs appeared to comprehend, and with which, as then explained to them, they expressed themselves to be well satisfied.

According to these regulations, applications are to be sent in to Government by parties desirous of purchasing, in which the particulars of the proposed purchase must be accurately stated: on these the Governor will be guided in his decisions rather by the public welfare, and that of the natives, than by any private interests of the applicants, and he will not grant his permission in respect of any paha, burial grounds, cultivated lands, or lands in present use, however willing the owners may be to part with them, nor in respect of a particular district north of the Tamaki Road, reserved exclusively for the natives; one-tenth also of all lands purchased will be reserved for the benefit of the natives: it is declared that the Crown having no right of pre-emption over the land already alienated by the natives, grants will only be issued to original claimants.

The parties will have to pay to the Crown 4s. per acre on nine-tenths of the land, on receiving the consent of the Governor to waive the Crown's right, and on the issuing of the grant (not less than twelve months afterwards) a further payment will be required of 6s. per acre in ready money, being in all 10s. per acre, as a contribution to the land fund. The survey of the lands will be made at the expense of the applicants, but to the full satisfaction of the local government, and the right will be reserved by the Crown of constructing public roads, proper compensation being allowed.

You report the consequences of this measure, so far as they had been then developed, to have been most satisfactory; about 600 acres of land had been sold in lots, varying from three to fifty acres each, at about one pound per acre, in addition to the amounts paid to Government, and that the total cost of the land to the purchasers was about 35s. per acre, the fee to the Crown being 10s.

10s. I presume the remaining 5s. were for surveys and other incidental expenses.

Lord Stanley to
Governor FitzRoy,
30 Nov. 1844.

You appear to consider that speculators are excluded from profiting by these regulations, since only *bond fide* settlers are allowed the indulgence. Amongst the latter, you enumerate some who have discovered mines, and you observe that if these mines had been bought by Government and put up for sale, the original discoverers would have been outbid by speculators, gambling would have ensued, and the money which would be most profitably spent in working the mines would all have been expended on their purchase. You observe, in conclusion, that no infringement of the Land Sales Act will take place by the present measure, as that Act applies only to lands vested in the Crown, whereas the lands affected by these regulations are native property.

Although there are some general reasons which would recommend this measure to my own judgment, I might yet have hesitated to instruct you to adopt it in direct opposition to a resolution of a Committee of the House of Commons; that resolution, however, was not before you; and I observe that, although that Committee passed a resolution unfavourable to this measure, their report is silent on the subject, and I am therefore ignorant of the precise grounds upon which the resolution was adopted; I must therefore deal with this subject as you present it to me.

We have the fact of the native population of New Zealand amounting to about 100,000 souls, whilst the Europeans amount to scarcely more than one-tenth of that number. The New Zealanders cannot be compared to the native inhabitants of some countries over which a small number of British settlers have been able to exercise unlimited power. On referring to the instructions from my predecessor to the Governor, issued shortly after the foundation of the colony, I find these people described to be "not mere wanderers over an extensive surface in search of a precarious subsistence, nor tribes of hunters, or of herdsmen, but a people among whom the arts of Government have made some progress, who have established by their own customs a division and appropriation of the soil, and who are not without some measure of agricultural skill, and a certain subordination of ranks, with usages having the character and authority of law." Information since received appears to justify this description.

It is impossible not to feel that to a people in this condition what is passing around them must be familiar: indeed, if there were any room to doubt their means of information, those doubts would be removed by the evidence now before me. We must assume, therefore, that the natives are well aware of the large prices which have been given for lands which a short time previously they had bartered away for trifling objects, and I can well understand the bitter disappointment and angry feelings which have thus been engendered towards those who have profited largely by re-sales of land for which they had given the most trifling consideration. If under such circumstances the rights of pre-emption were to be rigidly enforced by the Crown, the Government, instead of being looked up to by the natives as their natural protector, will be brought into constant collision with them in dealings for land. The Government must sell to Europeans at an increased price upon the purchases made from the natives, and this advantage, small as it may frequently be, would always be sufficient to keep up a source of irritation, the natives, as you represent, believing that their rights to the soil are guaranteed to them by treaty, and considering themselves to be entitled to the full value which their land will sell for in the market. On the other hand, if the Government cannot or do not itself buy from the natives, nor permit them to sell to other Europeans, the natives will be tantalized by seeing the profit made by the sales of similar lands around them, without being able to participate in it, and will regard the Government as withholding their just rights, and opposing instead of promoting their advantage.

Such are, as I apprehend, the considerations which have induced you to incur the serious responsibility of waiving, on the part of the Crown, an important stipulation of the original treaty, and of permitting the direct sale, by natives, of portions of their land.

While I admit the cogency of the motives by which you have been influenced, and am not prepared at this distance to condemn, or disclaim the arrangement which you have made, I think it necessary to point out to you some objections, to which your plan is obviously liable, and which will require your attention.

I understand the measure at present to be limited to the district adjoining Auckland; and that an absolute discretion is reserved by yourself of allowing

Lord Stanley to
Governor FitzRoy,
30 Nov. 1844.

or prohibiting any particular sale. It is possible, and even probable, that there existed an absolute necessity for reserving this discretion; but you must remember that it is one very open to abuse, and still more to the suspicion of abuse: charges of favouritism and of capricious decisions will frequently be urged, to which, however unjust, it is not desirable that a Governor should be exposed.

I conclude, though I do not see any provision to that effect, that it is intended that all sales thus effected should be registered; and I think it would be very desirable that the amount of purchase-money paid should be simultaneously recorded.

Another objection obviously is, that the regulations will tend to render more difficult the acquisition of land from the natives by the Crown, and will encourage the disposition on the part of the natives to make exorbitant demands for their land; and I must confess, although I entirely approve of the spirit in which all your intercourse with the natives has been conceived and carried on, it appears to me that, in your conference of the 26th March, you enforced more than was required, the caution as to disposing lightly of their property.

I concur with you, that these purchases do not come under the provisions of the Land Sales Act, which applies only to waste lands of the Crown; still, one of the main objects of that Act was, out of the sale of lands to realize funds for carrying on the general service of the Government, and also for promoting emigration. These objects you have not lost sight of, in imposing a fee amounting in all to 10*s.* per acre: but I should wish you to consider whether, if large sums should be realized by the sale of land, this fee may not be yet further increased. In proportion as the fee is increased, the amount realized by the natives will, of course, be diminished, and the market price which settlers will be willing to pay them (which is exclusive of the fee) will fall. I should be very unwilling to inflict any hardship upon them; but I very much doubt how far it will be to their real advantage to receive large money-payments for the mere sale of waste land, and I see no injustice in making such sales contribute largely to the support of the Government and the influx of settlers, by which alone value is given to the land.

With these observations I am prepared to sanction and approve the step you have taken in admitting the natives, under restrictions, to the privilege of selling their lands directly to settlers.

I ought not to close this despatch without adverting to the observation which you have made on the facilities which will be afforded by these sales to persons who may have discovered mines to obtain them, together with the soil, free from the competition of speculators, who might deprive them of the fruits of their discovery. Admitting the equity of this plea, and desiring to encourage operations which may tend so much to the prosperity of the colony, I yet hope that you have not overlooked the propriety of reserving to the Crown a moderate seignorage upon all precious metals. If your expectations of the mineral wealth of New Zealand be correct, such a seignorage may in process of time not be unimportant as a source of revenue, while it should obviously not be of such an amount as to discourage enterprise and the application of capital. The great present deficiency of New Zealand is the want of articles of export, without which no colony can long or greatly prosper; but if, in addition to the few articles which the colony now exports, her mineral resources should be such as to invite the application of capital, no circumstance could tend more to increase her value as a colonial possession, and place her upon a basis of solid commercial prosperity.

I have, &c.
(signed) *Stanley.*

— No. 8. —

(Separate).

COPY of a DESPATCH from Lord Stanley to Governor Fitz Roy.

Sir,

Downing-street, 3 February 1845.

No. 8.
Lord Stanley to
Governor Fitz Roy,
3 February 1845.

IN my despatch, No. 40, of the 30th November last, I stated my confident expectation that I should shortly receive from you further reports upon various matters with respect to which your despatch, No. 12, of the 15th April last, conveyed very imperfect information.

In that expectation, however, I have been disappointed ; and it is now more than four months since I have received any despatches from you, except one of the 11th of September, containing a formal notice of the negotiation of bills drawn upon the Parliamentary Grant for the service of your Government ; thus leaving me in possession of no later intelligence as to your general proceedings, than that contained in the despatch of April above referred to.

In the meantime I have received, through the Commander-in-chief's office, a notice that troops had been sent from New South Wales to New Zealand on your requisition, to assist in quelling some disturbances among the natives ; and I have received from unofficial and unauthenticated sources, statements of your having adopted various most important measures. Some of these are of such a nature as obviously to have required, at the earliest period, full explanations of the motives which induced you to have recourse to them.

I can hardly doubt that such information has been forwarded by you, and that the arrival of your despatches has been accidentally delayed. I must, however, impress upon you the absolute necessity of not trusting to your original despatches reaching this country with sufficient certainty or regularity, to preclude the necessity of your sending duplicates by the earliest opportunities.

It is obviously most inconvenient, that individuals and the public should be in possession of apparently well-founded reports of your proceedings, during a long period of which Her Majesty's Government have no information from yourself.

I have, &c.

(signed) Stanley.

NEW ZEALAND.

P A P E R S

RELATIVE TO THE

AFFAIRS OF NEW ZEALAND.

(*Mr. Somes.*)

*Ordered, by The House of Commons, to be Printed,
14 March 1845.*

[*Price 7d.*]

131.

Under 8 oz.

NEW ZEALAND.

RETURN to an Address of the Honourable The House of Commons,
dated 14 April 1845;—*for*,

“ COPIES or EXTRACTS of DESPATCHES from the Governor of *New Zealand*,
received since those last presented to Parliament”—(14 March 1845, Sess.
Paper, No. 131).

Colonial Office, Downing-street, }
18 April 1845.

G. W. HOPE.

(*Mr. Charles Buller.*)

Ordered, by The House of Commons, to be Printed,
22 April 1845.

SCHEDULE.

No.	DATE.	SUBJECT.	PAGE.
1. Governor FitzRoy to Lord Stanley	18 April 1844	Forwarding Minutes of Executive Council for the half-year ending December 1843 - - -	1
2. Governor FitzRoy to Lord Stanley	18 April 1844	Forwarding Emigration Returns for 1843 - - -	1
3. Governor FitzRoy to Lord Stanley	18 April 1844	Transmitting copies of three Ordinances; viz. No. 1. For establishing a Supreme Court.—No. 2. To make Temporary Provision for the Constitution of Juries.—No. 3. To Amend the Land Claims Ordinance - - -	4
4. Governor FitzRoy to Lord Stanley	25 May 1844	Account of a Native Feast at Remuera, and of subsequent Conferences at Government House, on the 13th and 24th May -	8
5. Governor FitzRoy to Lord Stanley	4 June 1844	Enclosing Copy of Instructions to the Superintendent of the Southern Division of New Zealand - -	19
6. Governor FitzRoy to Lord Stanley	1 July 1844	Forwarding the New Zealand Government Gazette, for the half-year ending 30 June 1844 -	20
7. Governor FitzRoy to Lord Stanley	14 July 1844	Enclosing Copies of Addresses from the Inhabitants of Auckland, Wellington, New Plymouth and the Bay of Islands, with the Governor's Answers - - -	20
8. Governor FitzRoy to Lord Stanley	20 Aug. 1844	Transmitting Copy of Minutes of Proceedings of the Legislative Council, Session 3 - - -	29
9. Governor FitzRoy to Lord Stanley	20 Aug. 1844	Transmitting Estimate for the current Year (1844-45), with remarks on the improbability of raising the required Amount within the Colony - - -	79
10. Governor FitzRoy to Lord Stanley	20 Aug. 1844	Respecting the Disturbances at the Bay of Islands and New Plymouth, and measures taken in consequence - - -	88
11. Governor FitzRoy to Lord Stanley	7 Sept. 1844	Forwarding Minutes of Executive Council, for the half-year ending 30 June 1844 - - -	95
12. Governor FitzRoy to Lord Stanley	11 Sept. 1844	Advising of Bills drawn to the amount of 1,500 l. - - -	101
13. Governor FitzRoy to Lord Stanley	14 Sept. 1844	Enclosing Copy of a Report from Mr. Protector Shortland to the Chief Protector, on the arrangement of a Native Dispute in the neighbourhood of Tauranga -	102

(continued.)

SCHEDULE—continued.

No.	DATE.	SUBJECT.	PAGE.
14. Governor FitzRoy to Lord Stanley	14 Sept. 1844	Transmitting Ordinances passed during the Third Session of the Legislative Council of New Zealand - - - - -	104
15. Governor FitzRoy to Lord Stanley	14 Sept. 1844	Account of Proceedings at Russell, in Consequence of Disturbances -	138
16. Governor FitzRoy to Lord Stanley	14 Sept. 1844	Acknowledging Receipt of Despatches - - - - -	139
17. Governor Fitzroy to Lord Stanley	16 Sept. 1844	Measures proposed to be adopted in consequence of the state of the New Zealand Company's Affairs:—Repeal of Customs' Ordinance, Rate on Property, and a Militia Ordinance - - - - -	139
18. Governor FitzRoy to Lord Stanley	16 Sept. 1844	On the state of the Colony of New Zealand, enclosing Minutes of Legislative Council, Ordinance confirming Rules of Practice of Supreme Court, Ordinance imposing a Rate on Property, &c. -	140

COPIES or EXTRACTS of DESPATCHES from the Governor of *New Zealand*.

(No. 16.)

— No. 1. —

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

My Lord,

Auckland, New Zealand, 18 April 1844.

I HAVE the honor of forwarding to your Lordship a copy of the minutes of the Executive Council for the last half year (1843.)

I have, &c.
(signed) *Robt. FitzRoy*, Governor.

No. 1.
Governor *FitzRoy*
to Lord *Stanley*,
18 April 1844.

Extract of Enclosure in No. 1.

MINUTES of the EXECUTIVE COUNCIL of *New Zealand*.

Encl. in No. 1.

Monday, 18 December 1843.

Present.—All the Members.

THE Council met pursuant to notice. The minutes of the last meeting were read and confirmed.

His Excellency, the Officer administering the Government, laid before Council a despatch from the Secretary of State, of date 19th May 1843, transmitting copies of a correspondence between Her Majesty's Government and the New Zealand Company, with reference to the purchase by the Company of land at and in the vicinity of Auckland (under certain conditions and restrictions), to the value of 50,000*l.*, which documents were read by the Clerk of the Council. His Excellency, in continuation, stated, that Mr. F. D. Bell had arrived in Auckland as the agent of the Company, and had selected certain lands, which comprise the whole of the saleable town and suburban lots, and availing himself of provisions to that effect in the arrangement between the Government and the Company, he had requested that the land should be put up to auction; his Excellency further stated, that previous to receiving these despatches, application had been made to him by parties desirous of purchasing suburban allotments, requesting that they might be submitted to public auction at the land sales in January; if, however, Mr. Bell's demand on the part of the Company was sanctioned, his Excellency would not be able to keep faith with the individuals before alluded to, and therefore requested the advice of the Council. Upon consideration, the Council were of opinion, that to enable his Excellency to carry into effect the promises made by him to individuals, that the Surveyor-general be instructed, in the first instance, not to depart from the usual custom of making the necessary reserves for public purposes in each blocks to be offered for sale, and that he do then apportion a sufficient number of allotments out of each block selected by Mr. D. Bell, for the purposes of meeting the demands of those individuals who had previously applied to the Government; they further recommended, that Mr. Bell's request should otherwise be complied with, being in strict conformity with the directions from the Secretary of State, which left no option to the local Government as to the course to be adopted.

(signed) *Willoughby Shortland*.
Robt. FitzRoy.

Passed the Council, this 2d day of January 1844.

(signed) *J. Coates*, Clerk of Council.

(True copy)
(signed) *J. Coates*, Clerk of Executive Council.

(No. 17.)

— No. 2. —

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

My Lord.

Auckland, New Zealand, 18 April 1844.

I HAVE the honor to forward the enclosed Emigration Returns of this colony for the year 1843; and I take the opportunity of informing your Lordship that there is no encouragement for emigration to New Zealand at present, while capital is so limited, and such an abundance of labour, either of Europeans or of New Zealanders, can be procured.

Capital is wanted in all the settlements; of labourers there is an over-supply, and distress is the consequence.

I have, &c.
(signed) *Robt. FitzRoy*, Governor.

No. 2.
Governor *Fitzroy*
to Lord *Stanley*,
18 April 1844.

Enclosure 1, in No. 2.

(No. 42.)—ABSTRACT QUARTERLY RETURN.—IMMIGRANTS.

Months composing the Quarter.	Number of Emigrant Vessels arrived.	Number of Deaths on Board or in Quarantine.	Number of Births on Board or in Quarantine.	Gross Number of Emigrants arrived.	Number of Adult Labourers.	Number of Labourers hired at the Place of Landing.	Number of Labourers who left the Place of Landing.	Amount paid to assist them on their Journey.	Number of Agricultural Labourers.	Number of Shepherds.	Number of Domestic Servants.		Number of Mechanics engaged in erecting Buildings, or in obtaining or preparing Building Materials.	Number of Tradesmen making or Selling Articles of Consumption.	Number of Tradespeople engaged in making Articles of Clothing.	Number of other Mechanics, &c. not included in the foregoing Columns.
October, November, December	2	-	-	45	33	-	-	-	-	-	M.	F.	-	-	-	-
TOTALS	2	-	-	45	33	-	-	-	-	-	-	1	-	-	-	-

REMARKS.—This includes the 31 immigrants from Parkhurst; and as their pursuits are very varied, the number of agricultural labourers and mechanics cannot be correctly stated.

14 February 1844.

(signed) David Rough,
Immigration Agent.

QUARTERLY RETURN.—PRICES.

RETURN showing the Average Retail PRICE of PROVISIONS and CLOTHING in the Colony of New Zealand, in the Quarter ended 31 December 1843.

ARTICLES.	Quantity.	Average Prices.		
(N. B.—Name the ordinary articles of consumption and of clothing in use by labourers in the Colony.)		£.	s.	d.
Moleskin trousers	per pair	-	10	-
Jackets	each	-	10	-
Check shirts	"	-	2	6
White shirts	"	-	4	-
Strong boots	per pair	-	12	-
Duck frock and trousers	"	-	7	6
Straw hats	each	-	2	6
Caps	"	-	5	-
Bread	2lb. loaf	-	-	6
Meat (pork)	per lb.	-	-	3½
Beef and mutton	"	-	-	8
Tea	"	-	2	6
Sugar	"	-	-	8
Tobacco	"	-	2	6

QUARTERLY RETURN.—WAGES.

RETURN showing the Average WAGES of MECHANICS and others, in Auckland and its vicinity, for the Three Months ended 31 December 1843.

Trade or Calling.	Average Wages per Diem, without Board and Lodging.	Average Wages per Diem, with Board and Lodging.	Average Wages per Annum, with Board and Lodging.	Highest and Lowest Rates per Diem, without Board or Lodging.	
				Highest.	Lowest.
Agricultural Labourers and Farm Servants	2s. 6d.	1s. 3d.	18l. to 20l.	3s.	2s.
Gardeners	"	"	"	"	"
Carpenters	5s.	-	-	6s.	4s.
Joiners	"	Tradesmen and mechanics are generally hired without board and lodging.			
Blacksmiths	"				
Bricklayers	4s.				
	Very limited demand.				
Shoemakers	3s.				
Tailors	"				
Bakers	"				

6. Would the rate of immigration of the last quarter satisfy the existing demand for labour?
So few capitalists have arrived in the colony during the past year, that the supply of labour is quite equal to the demand; good female servants would find employment readily.

7. Could it be safely increased, with reference to the supplies of food in the colony?
Yes; for the supplies of wholesome food, particularly potatoes are most abundant.

8. State any particulars relative to immigration, and the demand for labour, which you think may be useful?
The class of immigrants such as weavers, millwrights and people accustomed to live in towns who have been sent here, are very ill adapted for this colony; real agriculturists are the only class who seem to do well; from October to April is the best season for their arriving here, and from May to September the least favourable; the colony is extremely healthy at all seasons, but the weather is boisterous and rainy during the last-mentioned period.

(signed) David Rough,
Acting Immigration Agent.

1. What is the expense of erecting a country dwelling suitable to an agricultural labourer?
If constructed of raupo or rushes, in the native manner (which can be made very comfortable), 4*l.*; if built of timber, weather-board and shingle, 10*l.* to 15*l.*

2. What is the rent of a town lodging suitable to a mechanic and his family?
Three shillings per week.

3. What funds have been placed at your disposal during the past quarter for the relief of immigrants?
During the last quarter there were no funds at my disposal; but since the beginning of this year, employment has been given by Government to 30 married men at 2*s.* per diem, for five days in each week, and license to occupy small portions of suburban lands are granted to deserving immigrants.

4. Is there any fund in the colony for the relief of the destitute poor?
Only the relief afforded from private funds.

5. State the description of labour which is in request in the colony?
Agricultural labour, if any, but at present the supply is equal to the demand.

Enclosure 2, in No. 2.

RETURN of EMIGRANTS arrived during the Year 1843, to whom a *FAVE PASSAGE* was granted by the Colonial Land and Emigration Commissioners.

WHENCE EMIGRATING.	14 Years and upwards.		Between 7 and 14.		Children under 7.		TOTAL	Deaths on the Voyage.			Births on the Voyage.		Number of Agricul- tural La- bours.	Number of Shep- herds.	Number of Domestic Servants.		Number of Mechanics engaged in erecting Buildings, or in obtaining or preparing Building Materials.	Number of Tradesmen preparing or selling Articles of Food.	Number of Tradespeople engaged in making Articles of Clothing.			Number of other Mechanics, &c. not included in the foregoing Columns.	Amount per Head of Emigrant Tax.	Gross Amount of Emigrant Tax received during the Year.	REMARKS.			
	M.	F.	M.	F.	M.	F.		14 Yrs. and upwards.	Be- tween 7 & 14.	Under 7.	Total.	M.			F.	Total.			M.	F.	Total.							
England	102	67	46	42	-	-	257	1	-	2	3	4	4	8	-	3	20	23	17	6	3	4	7	30	-	-	-	-
Parkhurst	29	-	2	-	-	-	31	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Scotland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ireland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTALS	131	67	48	42	-	-	268	1	-	2	3	4	4	8	-	3	20	23	17	6	3	4	7	30	-	-	-	-

(signed) David Rough,
Acting Immigration Agent.

— No. 3. —

No. 3.
Governor FitzRoy
to Lord Stanley,
18 April 1844.

(No. 18.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

My Lord,

Auckland, New Zealand, 18 April 1844.

I HAVE the honour of transmitting to your Lordship authenticated copies of three " Ordinances enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof," and I have to report that the said Ordinances took effect and came into operation within this colony at the date of their enactment.

The delay consequent on a previous communication with your Lordship, would have been productive of such serious inconvenience and injury, that, with the advice of the Legislative Council, I determined that they should take effect immediately.

The Supreme Court Ordinance (No. 1.) is amended in accordance with your Lordship's despatch, dated 31st January 1843 (No. 6).

The Jury Amendment Ordinance differs from the original in two essential points; the admission of jurors without regard to property qualification, and a preparation for the admission of aboriginal natives as jurymen.

The first point is absolutely necessary, under existing circumstances, in order to obtain a sufficient number of jurors.

The second is becoming more advisable every year. Many native New Zealanders are now qualified to act as jurors.

The Land Claims' Amendment Ordinance (No. 3), was urgently required on account of the extreme delay in settling claims to land in this colony, which must have taken place if two commissioners had been required to act in all cases.

I hope that these Ordinances will obtain your Lordship's approval, and will be confirmed by Her Majesty.

I have, &c.

(signed) *Robt. FitzRoy*, Governor.

Enclosure 1, in No. 3.

Encl. 1, in No. 3.

SUPREME COURT ORDINANCE.

In the Seventh year of the Reign of Her Majesty Queen Victoria.—Session 3, (No. 1.)

ANALYSIS.

- | | |
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| <p>I. <i>Creation of Court.</i></p> <p>1. Creation and Style of Court.</p> <p>II. <i>Jurisdiction of Court.</i></p> <p>2. Legal.
3. Equitable.
4. Ecclesiastical.
5. Lunacy.
6. Vice Admiralty Instance Court.
7. Criminal Jurisdiction.
8. Jurisdiction.
9. Seal.</p> <p>III. <i>Constitution of Court.</i></p> <p>10. Judges.
11. Oath of Office.
12. Districts.</p> | <p>13. Officers of the Court.
14. Registrars.
15. Inferior Officers.
16. Barristers and Solicitors.
17. Their practice.
18. Sheriff.
19. Oath.
20. Duties.
21. Process when Sheriff disqualified.</p> <p>IV. <i>Practice of the Court.</i></p> <p>22. Trial by Jury.
23. Circuits.
24. Powers of Judge on Circuit.
25. Rules for practice.—Their force and effect.
26. Fee Fund.
27. Proceedings pending.</p> |
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An ORDINANCE for Establishing a SUPREME COURT.—(Passed the 13th January 1844.)

Preamble.

BE it enacted, by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:

I.—*Creation of Court.*

1. There shall be within the colony of New Zealand a Court of Record, for the administration of justice throughout the colony, which court shall be called the Supreme Court of New Zealand.

II.—*Jurisdiction*

Creation and style of
court.

II.—*Jurisdiction of Court.*

2. The court shall have jurisdiction in all cases, as fully as Her Majesty's Courts of Legal Queen's Bench, Common Pleas and Exchequer at Westminster, have in England. Legal.
3. The court shall also have all such equitable jurisdiction as the Lord High Chancellor of Great Britain hath in England. Equitable.
4. The court shall also have exclusive jurisdiction in all questions relating to testacy and intestacy, and the validity of wills of personal property, as fully as any Ecclesiastical Court hath in England. The court shall also have exclusive power to grant probates of wills and letters of administration of the estates and effects of deceased persons, and to take order for the due passing of the accounts of the executors and administrators of such persons. Ecclesiastical.
5. The court shall also have power to appoint and control guardians of infants, and their estates, and also committees of the persons and estates of idiots, lunatics and such as being of unsound mind, are unable to govern themselves and their estates. Lunacy.
6. The court shall also be an Instance Court of Vice-Admiralty, with such power and jurisdiction as belong to courts of the like nature within the colonial possessions of Her Majesty. Vice-Admiralty Instance Court.
7. The court shall have cognizance of all crimes and offences committed within the jurisdiction of the Vice-Admiral of the colony of New Zealand, as fully and effectually as if the same had been committed on the land within the limits of the colony. Criminal jurisdiction.
8. The court shall not take cognizance of any criminal case where the offence shall have been committed previous to the 14th day of January 1840. Jurisdiction.
9. The court shall have and use a seal, wherewith all writs and other process issuing out of the court, shall be sealed. Seal.

III.—*Constitution of Court.*

10. The court shall consist of one judge, who shall be called the Chief Justice of New Zealand, and of such other judges as Her Majesty shall from time to time be pleased to appoint; provided, that it shall be lawful for his Excellency the Governor, to appoint such judges provisionally until Her Majesty's pleasure shall be known. The judges of the court shall hold their office during Her Majesty's pleasure. Judges.
11. Every judge, before entering on his office, shall take an oath according to the form in the Schedule hereunto annexed, faithfully to execute the duties thereof. Oath of Office.
12. It shall be lawful for his Excellency the Governor, with the advice of the Executive Council, by proclamation from time to time, to divide the colony into districts for the purpose of this Ordinance, and the limits of such districts from time to time to alter, as occasion may require. It shall also be lawful for his Excellency the Governor to assign to each of such districts a judge or judges, who shall have within the same all the powers and jurisdiction hereby given to the Supreme Court. Districts.
13. There shall belong to the court such registrars and inferior officers for each of such districts, as to the judge or judges of each of such districts shall appear necessary, subject to the approval of his Excellency the Governor. Officers of the court.
14. The registrars shall be appointed provisionally by his Excellency the Governor, and shall hold their offices during Her Majesty's pleasure. Registrars.
15. The inferior officers of each district shall be appointed by the judge or judges of the respective districts, with the sanction of his Excellency the Governor, and shall be removable on reasonable cause by the judge or judges of the respective districts, with the sanction of his Excellency the Governor. Inferior officers.
16. There shall be enrolled in the court, to practice therein as barristers, such persons only as shall have been admitted barristers or advocates in Great Britain or Ireland, or such as shall be admitted hereafter within the colony under the authority of any law that may hereafter be passed for that purpose; and to practice therein as solicitors, such persons only as shall have been admitted as solicitors, attorneys or writers in one of the courts of Westminster, Dublin or Edinburgh, or proctors in any Ecclesiastical Courts in England, or shall have served such term of clerkship with a solicitor of the court as shall be required by the general rules thereof, or shall have established themselves in the exercise of their profession on or before the 22d day of December 1841. All persons so enrolled shall be removable from the rolls of the court upon reasonable cause, whensoever and wheresoever the same may have arisen. Barristers and solicitors.
17. The barristers of the court shall be allowed to act as solicitors, and the solicitors of the court to act also as barristers, for the period of five years after the passing of this Ordinance, unless the court shall in the mean time make order to the contrary; any such order may extend to the whole colony, or may be restricted to any part thereof, as to the court shall seem fit. Their practice.
18. His Excellency the Governor shall, by warrant under his hand, appoint provisionally, subject to Her Majesty's confirmation, fit persons to be sheriffs of the several counties or districts (as the case may be) of the colony, who shall be removable by the Governor, on reasonable cause; provided that no sheriff shall be in any way concerned in the conduct of any suit in any court, either as barrister, solicitor or agent. Sheriff.
19. Each sheriff shall, upon his appointment, take an oath before a judge of the Supreme Court, or some person specially appointed by such judge, according to the form in the Schedule hereunto annexed, faithfully to execute the duties of his office. Oath.
20. Each sheriff shall have such powers and privileges only, and such duties and responsibilities only, as a sheriff by law hath or is liable to in England, as a ministerial officer of one of Her Majesty's superior courts at Westminster. Duties.

Process when sheriff
disqualified.

21. Whenever any process shall issue which the sheriff ought not by law to execute, the court shall appoint some other fit person to execute the same; and in every such case the cause of such special proceeding shall be entered upon the records of the court.

IV.—Practice of the Court.

Trial by jury.

22. All questions of fact upon which issue shall be taken in the course of any proceeding before the court, and all questions of idiocy, lunacy or unsoundness of mind, shall be decided by a verdict of a jury of twelve men.

Circuits.

23. There shall be holden circuit courts, for the despatch of civil and criminal business of the court, before one of the judges thereof, at such places and at such times as his Excellency the Governor shall, with the advice of the Executive Council, by proclamation, from time to time, appoint.

Powers of judge on
circuit.

24. It shall be lawful for a single judge of the court, on circuit or otherwise, to hear and determine all cases of crimes and misdemeanors committed within the district, and any issues of fact joined in any action or proceeding in the Supreme Court, or removed thereto for trial out of any other district, by virtue of any general rules of the Supreme Court, and to exercise all such powers and jurisdiction as courts of oyer and terminer and gaol delivery, and assize and nisi prius have in England.

Rules for practice.

25. It shall be lawful for the judges of the court, from time to time, to make rules for regulating the time and place for holding the court, and the practice and pleadings upon all indictments, informations, suits and other proceedings therein; the proceedings of the sheriffs and other ministerial officers; the admission of barristers and solicitors; the fees and poundage to be paid to any officer; costs of suit and the taxing thereof, and all matters relating to the business of the court; and such rules from time to time to alter or revoke; provided that the same shall not be repugnant to any of the provisions hereinbefore contained: and provided also, that the said rules to be made under the authority aforesaid, shall be submitted to the Governor in Council, and, upon being approved, shall have the same force and effect as if they had been inserted herein, until the termination of the sitting of the Legislative Council next following their approval by the Governor in Council.

Their force and effect.

Fee fund.

26. All fees received by the registrars, as well as those received by the inferior officers of the court, shall be accounted for and paid over quarterly to the colonial treasurer, and shall form a fund to be called the "Fee Fund," which shall be charged with the salaries of all the officers of the court.

Proceedings pending.

27. All proceedings which have been commenced in the Supreme Court under the authority of the Supreme Court Ordinance, Session 2, No. 1, and which are still pending and incomplete, shall continue in as full force and effect as if the same had been commenced under the authority hereof.

(signed) *Robert FitzRoy*, Governor.

Passed the Legislative Council, this 13th day of January 1844.

(signed) *J. Coates*, Clerk of Council.

SCHEDULE referred to.

FORM OF OATH.

I, A. B., do swear, that I will truly and faithfully, and to the best and utmost of my skill and knowledge, discharge the duties of [Chief Justice or judge of the Supreme Court, or sheriff, as the case may be], without fear, favour or malice. So help me God.

Enclosure 2, in No. 3.

Encl. 2, in No. 3.

JURY AMENDMENT ORDINANCE.

In the Seventh year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 2.)

ANALYSIS.

I. *Constitution of Juries.*
1. Who liable.

II. *Formation of Jury Lists.*
2. Justices of the Peace to prepare Jury Lists.
3. Police Magistrates to hear and determine Objections.
4. And transmit List to Sheriff.

5. List to be in use for one year.
6. Special Juries.

III. *Jury of Freeholders.*
7. So much of former Ordinance as relates to constitution of Juries, may from time to time be brought into operation.

An ORDINANCE to make temporary provision for the Constitution of Juries.—(Passed the 13th January 1844.)

Preamble,

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council, Session 2, No. 3, intituled, "An Ordinance to regulate the Constitution of Juries," it was provided, that every man, except as therein excepted, between

between the ages of 21 years and 60 years, who should have to his own use a freehold estate in lands and tenements within the colony, and who should reside within the same, should be qualified and liable to serve as a juror therein, and provision was made for the formation of a jury list in manner therein mentioned: And whereas the registration of titles to land within the colony is not yet sufficiently advanced for the purpose of the aforesaid Ordinance; Be it therefore enacted, by the Governor of New Zealand, with the advice and consent of the Legislative Council, as follows:

I.—*Constitution of Juries.*

1. Every man being a British subject, and not an aboriginal native of New Zealand (except as in the aforesaid Ordinance excepted), between the ages of 21 years and 60 years, who shall be of good fame and character, and who shall reside within the colony, shall be qualified and liable to serve as a juror therein; any aboriginal native of New Zealand whose capability may be certified under certain regulations, to be from time to time issued by the Governor and Executive Council, shall also be held duly qualified and liable to serve as a juror, on a mixed jury, for the trial of any case, civil or criminal, in which the property or person of any aboriginal native of New Zealand may be affected. Who liable.

II.—*Formation of Jury List.*

2. The police magistrate in every district or county shall, on the 1st day of February in this and every succeeding year, or as soon thereafter as may be, call a special meeting of the justices of the peace residing within 20 miles of the police office, for the purpose of forming a jury list; the justices at such meeting (any two being a quorum) shall prepare a list in alphabetical order, of all men residing within such limits as aforesaid, who shall be qualified and liable to serve as jurors, setting forth the Christian and surname of each at full length, together with his place of abode, and calling or business. The police magistrate shall forthwith cause a copy thereof to be published in one or more of the newspapers of the district or county, and shall also cause a copy thereof to be affixed upon the principal door of the police office; and to such lists and copy thereof shall subjoin a notice, that all objections thereto will be heard and determined by him at any time within 10 days after such meeting as aforesaid. Justices of the peace to prepare jury list.

3. The police magistrate shall have power, after hearing such objections, to strike out of the said list the names of all persons who shall not be liable to serve as jurors, and also of such as are disabled by lunacy or unsoundness of mind, or deafness, blindness or other infirmity, and shall correct all errors therein. Police magistrate to hear and determine objections.

4. A copy of the list so corrected by the police magistrate shall be transmitted by him forthwith to the sheriff of the district. And transmit list to sheriff.

5. The list so transmitted shall be called the "Jury List," and shall be brought into use at the first subsequent sitting of any court for which a jury shall be needed, and shall continue to be used for one year thence next ensuing. List to be in use for one year.

6. It shall be lawful for the judges of the Supreme Court, from time to time, to make rules for the formation of special jury lists for the several districts or counties of the colony, or any of them, and for the striking of special juries; the rules so to be made shall be subject to such approval, and shall have the same force and effect as the general rules to be from time to time made under the authority of the Supreme Court Ordinance. Special juries.

III.—*Jury of Freeholders.*

7. Whereas by the gradual extension of the registration of titles to land within the colony, it may be practicable from time to time to bring so much of the said recited Ordinance as relates to the constitution of juries, and the formation of jury lists, into operation within the several districts or counties of the colony; Be it enacted, That it shall be lawful for his Excellency the Governor, with the advice of the Executive Council, by proclamation from time to time to declare, that so much of the said recited Ordinance as aforesaid shall come into operation within any district or county to be named in such proclamation, at such time as shall be therein mentioned, at which time this Ordinance shall be deemed to be repealed as to such district or county. So much of former ordinances as relates to constitution of juries, may, from time to time, be brought into operation.

(signed) *Robert FitzRoy*, Governor.

Passed the Legislative Council this 13th day of January 1844.

(signed) *J. Coates*, Clerk of Councils.

Enclosure 3, in No. 3.

LAND CLAIMS' AMENDMENT ORDINANCE.

In the Seventh year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 3.)

Encl. 3, in No. 3.

ANALYSIS.

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|---|---|
| 1. Power to examine into and report upon Claims to Land, &c. given to one Commissioner. | 2. All Acts heretofore done by one Commissioner to be as valid as if done by two. |
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An ORDINANCE to amend the LAND CLAIMS' ORDINANCE, Session 1, No. 2. (Passed the 13th January 1844.)

WHEREAS by an ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council, Session 1, No. 2, intituled, "An Act to repeal, within

within the said colony of New Zealand, a certain Act of the Governor and Legislative Council of New South Wales, made and passed in the fourth year of the reign of Her present Majesty, and adopted under an Ordinance of the Governor and Legislative Council of New Zealand, for extending the Laws of New South Wales to the said colony of New Zealand, and which said Act of the Governor and Council of New South Wales is intituled, 'An Act to empower the Governor of New South Wales to appoint Commissioners, with certain powers, to examine and report on Claims to Grants of Land in New Zealand,' and also to terminate any Commission issued under the same, and to authorize the Governor of the colony of New Zealand to appoint Commissioners, with certain powers, to examine and report on Claims to Grants of Land therein, and to declare all other titles, except those allowed by the Crown, null and void," the Governor of New Zealand is authorized and empowered to appoint Commissioners, with power and authority to hear, examine and report upon all claims to grants of land within the colony of New Zealand; and the said Commissioners so to be appointed, or any two of them, on being satisfied of the validity of any claims, are authorized and required to report the same, and the grounds thereof, to the Governor, in manner in the said Ordinance mentioned: And whereas it is expedient that all the powers and authorities vested by the said Ordinance in any two of such Commissioners should be vested in any single Commissioner; Be it therefore enacted, by his Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council, as follows:

Power to examine into and report upon claims to land given to a single Commissioner.

All acts heretofore done by one Commissioner to be as valid as if done by two.

1. All the powers of hearing, examining and reporting on claims to land, and all other the powers and authorities given by the said recited Ordinance to any two Commissioners, may be exercised as fully and effectually by any single Commissioner, as the same have heretofore been exercised by two Commissioners.

2. All acts done by a single Commissioner before the passing of this Ordinance, which might have been lawfully done by any two Commissioners under the authority of the said recited Ordinance, shall be as valid and effectual, to all intents and purposes, as if the same had been done by two Commissioners.

(signed) *Robert FitzRoy*, Governor.

Passed the Legislative Council, this 13th day of January 1844.

(signed) *J. Coates*, Clerk of Councils.

— No. 4. —

(No. 19.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

My Lord,

Government-House, Auckland, 25 May 1844.

No. 4.
Governor *FitzRoy*
to Lord *Stanley*.
25 May 1844.

For Governor *FitzRoy*'s Despatch, 15 April, No. 12, *Vide* Papers relative to New Zealand, ordered by the House of Commons to be printed 14 March 1845, No. 131, p. 18.

IN a despatch dated April 15th (No. 12), I mentioned that the Legislative Council of this colony would meet on the 3d of this month; and by a previous despatch your Lordship was informed, that a great assemblage of natives would probably take place near Auckland, during the month of April.

This assemblage was delayed till the early part of this month; and the meeting of the Legislative Council was in consequence deferred till the 14th.

I now purpose to give your Lordship a brief account of the principal objects and proceedings of the natives at this assemblage, the greatest known in New Zealand since the arrival of European settlers.

One of the most powerful as well as numerous tribes in New Zealand is the Waikato; and to this tribe and their relatives, a great feast was given last year by their friends (*quasi* rivals), living in their neighbourhood, to the southward and eastward of the Waikato district, which extends south-westward from Auckland towards Taranaki, or New Plymouth.

The principal chiefs of the Waikato are, Te Whero Whero and Wetere (Wesley), the former a heathen, well disposed towards the Christians, and always friendly to the Europeans; the latter a professed Christian, equally friendly, but inferior to the other in ability and influence. Wetere's son, Putini (Bunting), is one of the most promising young Christian chiefs in the country.

Te Whero Whero is probably the greatest chief in New Zealand; next to him may be considered Te Rauperaha; and after these two, several may be named who are about on an equality as to power and influence.

The professed object of this great assemblage was to make a return for the complimentary feast given to them last year, by a similar display of hospitality and good feeling; but there was also a desire to show the extent of Te Whero Whero's, or the Waikato influence and alliances. It was to show his "*rangatiratanga*" (which means station and conduct as a gentleman, or the estimation in which he is held by

by his countrymen); and that this demonstration, in the immediate neighbourhood of Auckland, the capital, was planned with reference to its effect on the English as well as on the natives, there can be but little doubt.

It is natural that these chiefs should desire to exhibit their importance, and endeavour to raise themselves in our estimation, as well as in that of their own countrymen; and this, entirely apart from any wish to be hostile. I believe that their general inclinations are decidedly peaceable.

Great preparations had been made for this feast, by planting some hundred acres of good land with potatoes, expressly for the occasion, and by drying an immense number of small sharks or dog-fish, a food much esteemed by the natives.

For weeks preceding the arrival of the principal guests, tribe after tribe arrived in the neighbourhood, and encamped at a place called Remuera, about three miles from Auckland, on land then belonging to the Waikato, but since sold by them in small portions, and at high prices, to residents at Auckland, a limited portion only having been reserved by themselves for their future use, their intention being to cultivate and live on land more remote from us, for which they cannot now find purchasers.

A few days before their grand display, Putini was deputed to invite me to witness their feast, and I readily accepted his invitation.

On Saturday, the 11th of May, a large party of government officers and other residents at Auckland accompanied me to Remuera; some were on horseback, others on foot; the day was beautifully fine, and numbers of women and children were seen in various directions, pressing towards the great gathering of natives, as if it were a fair.

Putini, and some of the more influential secondary chiefs, met and escorted us about two miles of the distance, with a large British union jack. At a quarter of a mile from the general encampment we were asked to stop, while the nearest tribe prepared to receive us, and in a quarter of an hour again moved on, surrounded by a considerable number of natives, stragglers from the main bodies, who were occasionally rebuked in no measured terms by the escorting chiefs, for their presumption in approaching so near their visitors.

The locality of the encampment was singularly convenient and well selected; it was a fertile plain, nearly a mile across, bounded by woody, volcanic hills, some few hundred feet in height, and by several minor ridges and hillocks; wood, fern or coarse grass sufficiently covered the ground, and broke the outline, to give variety and picturesque beauty to this natural amphitheatre, round which in every direction were long lines of native huts, each tribe, or rather portion of a tribe, by itself, on its own hillock or ridge; an army could hardly have been encamped more skilfully, or with a greater appearance of regularity.

As our party appeared on the ridge from which we first viewed the whole encampment, a general shout of welcome rose, and the nearest tribes were seen dancing in their usual remarkable manner, every movement of every man being simultaneous, while brandishing their weapons in the air.

Approaching the nearest tribe, who were then all seated in silence, after their dance and shouts of welcome, we dismounted and shook hands with some of the principal chiefs of that tribe, and saluted the rest generally.

Some doubts were then raised as to our next proceedings; for as the various tribes were equally desirous of standing high in our estimation, equally independent in feeling towards one another, and extremely sensitive, there appeared to be a probable risk of giving offence.

It was, however, quickly decided that Te Whero Whero and Wetere, as the givers of the feast, should be visited first, and that I should then go round the encampment, taking each tribe in local succession, without regard to relative influence or numbers.

It was sufficiently remarkable that, even upon a festive occasion of this nature, the numerous tribes could not be brought to meet together quite upon the same spot, though they willingly assembled so near each other.

I was desirous of holding a conference with the chiefs, and had hoped to profit by what, I thought, would be a good opportunity of talking to so large a number of them; but as I found that the attempt to bring them together would fail, or be prejudicial, I refrained, and the more readily, as they agreed to visit me at Government House, on the next day but one (Monday), without their numerous adherents, and there hold the conference.

The difference in clothing between the tribes usually living near Auckland, and those more remote, was remarkable, and, it was said, caused some envy

among the latter. Many of the chiefs were dressed entirely in European clothes, many had gay red scarfs, others had shirts and trousers, under their blankets or mats, or dog-skin mantles; and no one was without either a large wrapping mat, a mantle or a blanket. Wetere was dressed in a blue frock coat, and other suitable garments, but wore no shoes or stockings. On his head was a cloth cap, with a gold lace band, and a white ostrich feather. Putini, his son, was dressed in a complete suit of good European clothing, as usual with him, but I saw him afterwards carrying his boots in his hand. Wetere's wife took an active part in all the proceedings throughout the day, clad in black satin, a broad-brimmed Leghorn hat, tied with white ribbons, and good shoes and stockings. Neither she nor her husband, nor any of the natives, appeared, as they now do frequently, on horseback, at the feast. Probably they thought their horses would not stand the firing during the rejoicing and sham fight.

The consumption of English blankets, in consequence of this feast, was surprising. The Auckland stores were exhausted. More than a thousand were bought by the Waikato tribe alone, to give away to their visitors, so generous as yet, are these semi-civilized natives.

On one side of the plain, along the base of a wooded hill, formerly the crater of a volcano, a very long shed or roof was formed with slight poles, covered by new blankets. This singular construction extended in a straight line, nearly 400 yards, and was entirely covered by good Witney manufacture.

In a parallel line of equal length, about 50 yards distant, was a breastwork or mound of baskets of potatoes, surmounted by a post and single-rail fence, on which, dried sharks were suspended from the rails, as closely as they could hang. Each basket of potatoes in this bank or mound, about seven feet wide, and four feet high, was a fair load for a man to carry to market, and might be sold in Auckland for a shilling when potatoes are cheap; the sharks were about three feet long, except at the divisions, about 10 yards apart, which were marked by sharks of larger size, four or five feet in length. These divisions showed the tribes how far they were to appropriate respectively, at the grand scramble which took place towards evening; when all being assembled in a long line, a certain portion of the blanket-house, and a corresponding division of the shark and potato-fence being assigned to each tribe, at a signal from Te Whero Whero, one general attack commenced, and each party vied with others in carrying off quickly to their encampment, the portion of blankets, sharks and potatoes which had been allotted to them by the liberal Waikato.

To return from this digression. After I had gone round the encampment, and had shaken hands with some hundred chief of various degrees, preparations were made for a sham fight. The Waikato, and tribes living near Auckland being arrayed on one side, and the stranger tribes on the other.

Partly stripped, their bodies bare from the waist upwards, and below the knee, few being less clothed, and the Waikato having many showy red scarfs, the two bodies formed on opposite hills, a mile apart. There, with their muskets glittering in the sun, their tomahawks and clubs waving in the air, they stamped their wild war dance, and then, alternately, rushed thundering down the slope.

Halting, as one man, in front of their opponents, each party again defied the other in dance, and shouts and yells; then one body, the strangers, fled up the hill, halted, danced, rushed down again at their utmost speed, and again halted, like soldiers at a review at the word of their chief, within pistol-shot of the adverse party, who were crouched to receive them with spears, the front ranks kneeling, the mass behind, about 40 deep, having muskets and other weapons in readiness.

Each body consisted of about 800 men in a compact mass, 20 in front, and 40 deep. Their movements absolutely simultaneous, like well-drilled soldiers.

The lines along which these bodies charged were crowded by natives, by English, by women of both nations, and by children, as if it had been a race-course.

The sight was indeed remarkable; it was wonderful to see women and children, gaily dressed, wandering about unconcernedly among 4,000 New Zealanders, most of whom were armed, and many utter strangers as well as heathens.

A considerable number of the natives took no part in the war dances or sham fight, being dissuaded from doing so by the missionaries. Accompanied by their faithful teachers, a large body of Christians advanced, unarmed, to the place at which the two bodies of warriors had halted, facing each other, and

and sat down on each side. Then all sat down to hear the speeches of welcome and good feeling, delivered by the principal chiefs on each side.

These orations were made in their most animated manner, walking to and fro among, or in front of their party, sometimes running or jumping, seldom standing still.

The speaking continued till near sunset, when all the tribes assembled to divide the blankets, sharks and potatoes, as I have already mentioned.

Some of the government party, and a few other gentlemen who were mounted, returned with me to the town; but the great majority of the English who were present, not less than a thousand, including women and children, returned in small straggling parties at various times, with as much confidence as if they had been returning from an English fair.

Only one accident happened that I am aware of, which was a native wounded by his own spear while scrambling for his share of the feast. He was speedily conveyed to the town, and in a few days completely cured.

I heard of no instance of misconduct or rudeness, neither was there any theft or even pilfering.

Next day being Sunday, many Christian natives came to attend Divine service in Auckland, and many heathens indulged their curiosity by looking on; but the majority of the Christian natives were attended at Remuera by their own ministers, the missionaries.

At daylight on Monday morning, long lines of natives were seen coming over the hills towards Auckland, bearing on their backs as much potatoes as they could stagger under, for sale in the town. Directly their first cargoes were deposited, the greater number of the bearers went back for more, and thus an active traffic began for the gift potatoes.

Preparation was made at Government House, to receive the principal chiefs in a formal manner, and at 11 o'clock they arrived in several bodies, numbering together about 200.

While the chiefs were thus collected for a conference, the greater number of their followers ranged about the town, indulging their curiosity, selling potatoes, or buying clothes and tools.

Two rooms being thrown into one, the principal officers of Government and several other gentlemen being at the upper end, Te Whero Whero on my right hand; the principal chiefs on each side, the others filling the rooms and all being seated, the Chief Protector was called on to interpret, and I addressed a short speech to them, expressive of my pleasure at receiving and welcoming them.

A few sentences, showing their kindly feeling, were spoken in reply by two of the chiefs, who then waited for me to speak.

After a pause, I proposed that the chiefs should commence the discussion of any subject interesting to them, and about which I might offer them advice, if not assistance.

Mr. Clarke (the Chief Protector) then gave me a paper relating to a proposed purchase of land near Kawhia, which was the first subject the chiefs wished to discuss.

The following are minutes of the conference taken at the time, by my secretary, Mr. Hamilton:—

“ Mr. Clarke laid before the Governor a letter from the natives of Kawhia, relative to the purchase of some land by the Government, which the principal part of a tribe wished to sell; and was desired by his Excellency to inform them, that at present, Government did not contemplate purchasing more land, but that in case their place should be offered for sale by general consent, their wishes should be attended to. Their letter would be translated and kept for reference.

After a short desultory conversation with several of the chiefs, through Mr. Clarke, the Governor again arose and addressed them as follows:—

“ Friends! Te Whero Whero and other chiefs assembled here, I am very glad to see you in this house; I salute you, and wish you all health and happiness.

“ It is a most pleasing sight to me to view assembled under this roof so many friendly chiefs, from such distant parts of New Zealand, meeting together in kindness and good feeling, neither disturbing each other, nor their friends who live in this town.

“ May such proofs of kindness and mutual good will prevail while we all live, and continue among our children and our children's children; may we mutually assist one another by every means in our power; we are able to assist you in a most important manner, you also are able to assist us. While you are selling to

us your provisions, your timber, your flax, your land, we are giving yourselves and your children much useful instruction, by which you learn to serve the true God, and by which we hope in some years to see you become more like the people of that country from which we come.

"It is my duty, as well as my earnest wish, to be of as much use, and to do as much good to all who live within reach, as I possibly can. You have had among you for the last 20 years a number of excellent and devoted men, who have laboured to instruct you and your children, and who, instead of living in their own country, amongst their own friends and relations, have employed their lives, and have given their best exertions for your bodily and spiritual welfare.

"But I, and those who came lately from our distant country, can do but little for you by ourselves, without the assistance of the chiefs; with your assistance and exertions much may be done, and therefore to your exertions as well as our own, we look for being enabled to forward the instruction of your children, and for promoting your own welfare. The missionaries and others who have laboured, and are willing to labour constantly for your improvement, must have assistance from yourselves as well as from me.

"There are many things that I hope to see you able to do among yourselves in a few years, and to see your children doing as well as Europeans.

"I hope at a future day to see you making your own clothes, to see your women and children working for the old men, and for the chiefs, and to see sheep and cattle and other animals numerous among you. It is necessary that you should supply yourselves with clothing; those clothes which you are now wearing may be good now, but they will soon wear out; year after year you will be requiring more clothes, and it will not do to go on selling little or nothing but land in order to enable you to supply yourselves.

"You should turn much of that land to account for yourselves; you should cultivate it as you see Europeans cultivating land; you should maintain yourselves by the produce of that land, and supply yourselves with clothing from the wool of your own sheep. I hope in a few years to see this done by your own women and children.

"I have had a machine constructed in the town, by which cloth is made from your flax. It will be placed in a house near here, so that every one who pleases may see it, and learn how to make use of it. I will show you presently a piece of cloth made from the wool of this country, to convince you that it may be made here by yourselves."

[A piece of woollen cloth, manufactured in New Zealand, was here produced, and the manner of making it explained by Mr. Clarke.]

The Governor continued—"I am very desirous that the land on which you live should be made to afford you and your children a good maintenance. You are now living on very poor food; eating little besides fish and potatoes. You should have meat and several kinds of vegetables. You should procure cattle, sheep and other animals, and these you may soon obtain in any quantity (if you take care of them) from the Europeans.

"You have now only dogs, too many dogs; they are not good to eat; they kill sheep; you will never be able to have many sheep, if you continue to keep such a quantity of dogs.

"Many large pieces of land which have been bought from yourselves, will be employed by Government officers and clergymen interested in your improvement, for the purpose of raising money for teaching your children, for building hospitals for your sick, for instructing you and your countrymen how to cultivate the ground, how to raise crops and to keep cattle.

"You all know well how displeasing it is to the eye of an European to see people without clothes. I was very glad to notice, at your great feast, on Saturday, that with the exception of a very few, you were all clothed, much better clothed than you used to be a few years ago. It is very gratifying to me to see that you have made such improvement, and have taken pains to acquire those habits which all civilized nations in the world adopt. I have noticed much improvement during the last 10 years, since I first visited your country, and I hope, in a few more years, you will be as careful about the decencies of life as the English, who are now so much mixed among you. But I should be very insincere if I did not take this opportunity of saying, that I wish to see you discountenance those public exhibitions in which some men partake, who are almost entirely naked. This want of clothing, and the strange contortions of face it has been your custom to make in the war dance, cause much objection to it. But far be it

it from me to object otherwise to martial exercises among a nation of brave warriors, such as yourselves. We Europeans have our own drills, and our own reviews, and it is very natural that a nation of brave men like you should have such exercises; but they should not be performed in such a manner as to call for just blame.

"We all know that war is very bad and unchristian, and against the laws of God, except in a just cause. In such a cause we are not prevented from taking up arms to defend ourselves against enemies. Christian men may wear arms and serve in the wars; therefore, while discouraging hostility and endeavouring to promote peace and happiness, I do not wish you to suppose that any nation on earth could exist, without being prepared to resist the injustice, and check the misconduct of bad men.

"What is my own profession? Why do I wear this uniform? Why do I wear this sword?—To serve my country in war, if necessary. It would be inconsistent in me to endeavour to persuade you not to prepare your young men to defend their home; to resist injustice or invasion.

"Why am I here, I say, wearing arms and this uniform?—To serve my country; not to make war unjustly, but to be prepared to defend my country and my friends.

"But, while prepared as you are to suffer no injustice, no ill treatment, I trust that you, like those who give you good advice and good counsels, will endeavour to check bad passions and angry feelings, by peaceable methods.

"You know, because you are brave, that brave men are the quietest, that they are the most patient, and the last to quarrel about things of trifling importance.

"I have mentioned these matters, because I wish fully to explain to you my own views on the subject of your native customs. I do not wish to interfere with those customs that have grown with your growth, and that you have followed from your childhood, farther than by advice, while they affect only yourselves.

"With the assistance of those most able to advise, I will always endeavour to give you the best counsel; farther than this I do not wish to interfere with those customs which are not injurious in themselves, and which your own good sense will lead you to throw aside in the course of time. It is chiefly by reasoning that I wish to exert influence among you. As men of sense and intelligent reason, I respect you, and to your reason I wish to appeal in matters relating to yourselves.

"There are some things in our laws and customs which we think right, and are accustomed to in our own country, but which I know are very displeasing to you. The learned men who are now present, the Chief Justice and the Attorney-general, who understand the laws, have been preparing some new ones, less at variance with those habits and customs, which, in your present circumstances, cannot be at once laid aside and discarded.

"We are preparing a law, by which it will be settled that chiefs of this country shall not be imprisoned, provided that compensation be made according to your own customs, and that two or three chiefs will answer for such compensation being made.

"In my country the law makes no distinction; any man, whatever his rank, who does wrong must suffer; but those better educated, avoid doing wrong, and it is in consequence of their good conduct, that they escape the disgrace of imprisonment.

"My earnest wish is to contrive some laws in accordance with the opinion of the oldest and wisest chiefs, that may be useful to yourselves while living at a distance, as well as while you are in immediate intercourse with Europeans, and that may tend to promote peace and unanimity among your various tribes.

"Many quarrels that have arisen among you, might have been prevented by good laws. Without the encouragement and assistance of such laws, the missionaries will not be able to promote peace and good feeling among you so effectually as is desirable.

"I shall now be glad to hear any remarks, or to answer any questions."

Wiremu Nela, or William Naylor, of Waingarua, then rose and said:—

"From the very earliest period we were a wicked and bad people. When the English first came, for a length of time we paid no regard to them. Wherever they went, evil alone resulted; but many of the Europeans did not come for the object of teaching us.

"Then missionaries came among us, and after repeated instructions we began to attend to them; gradually we left off evil among ourselves, and became attentive to the lessons of the missionaries.

"This brings us a step nearer to the present time; our old customs, in a great measure, we had abandoned.

"After some time we heard of the name of the Queen of England, and the English suggested to us that it would be well to consent to her sovereignty, as nothing but kindness proceeded from her government.

"We reflected on these sayings, and consulted with our teachers, who told us that probably, if any other nation came among us, they would forcibly compel us to give up possession of the country to them.

"We are now anxious that our lands should be secured to us, that a check should be put upon English urging us to sell those lands that we cannot part with; and when we do sell, we wish that the feeling of kindness should be mutual; when we dispose freely of our lands, let the English dispose freely of their property.

"I will now turn to another subject; to that of our general ill-conduct.

"Although we have grown up to be men in stature, in understanding we are but children, and the English should take pains with us that our evil customs may be gradually cast aside.

"The regulation proposed with regard to non-imprisonment of chiefs, is very pleasing. I have listened to the speech of the Governor with attention, and I hope that his regulations will give satisfaction."

On the chiefs expressing a wish to have the substance of the proposed laws translated to them. Mr. Clarke explained the nature of a Bill to be laid before the Legislative Council to declare, that in certain cases the aboriginal natives should not be amenable to the laws of England. He explained to them at the same time, that the Council would assemble the following day, and that these laws would then be proposed for consideration.

To this *Kati* replied, "We perfectly understand that this is a regulation proposed to be adopted."

Te Kanawa, from Kawhia, then said, "Let the principal chief now stand up and make his remarks."

Te Whero Whero then rose, and said, that he wished now to turn to a different subject altogether.

"The case is this: there is a little island called Motiti, near Tauranga. I am now come myself with Pohepohe, chief of Matamata, Tupaea, chief of Tauranga, and several other chiefs, to talk to you about a claim they have on that place. On the Governor's arrival, I spoke to him, wishing that he should consent to the Ngatiwakaaue vacating the island in a quiet way. I call the Governor to witness, that contrary to our old and acknowledged rules, we have come to be put in possession of this island. See, contrary to our old ways, are we come, that it may be adjusted quietly; not by force of arms to dispossess the present inhabitants; but breaking through those customs we are come, that by the intervention of the Governor, the tribe of Ngatiwakaaue may be persuaded to depart in a peaceable and quit manner."

Mr. Clarke then told the Governor that Kiripaka, one of the party was here, and wished to speak. The natives immediately answered, "Let him say all he has to say, as one interested in the place."

Kiripaka.—"Do not be pained at what I am going to say. How would the Governor act if his wife was taken from him? The island to us is what his wife is to the Governor. I do not know whether he would look upon it in this light, but to me it is as the loss of a wife. If you got a blow on the head, would you not resent it?" [*N. B.* The head is considered by the natives the most sacred part of the body.]

"That island is as sacred to me as the head, and an attempt to take it would be resented by me as severely as a blow on the head." I am the original proprietor of the island of Motiti, near Maketu. I am also the owner of the lands about Rotorua, Taupo and across to the other side of the main island, much of which I have been deprived of already, and I only wish to retain this island, which is a very small one, and I wish the Governor to use his influence to keep me in possession of it. We have no English to instruct us, or to prevent our fighting."

"On

"On the other side of Moehau (Cape Colville) up to Motiti, that land originally belonged to me. I wish to show that my request is but a small one. I do not ask for the whole of the places I have named. Two places I lay claim to, Motiti and Katikati; but I have not much to say in reference to this latter place at present."

Pohēpohe, of Matamata.—"I speak on the same subject. I also claim Motiti. My brothers and my children were all killed in supporting the claims to that island. Then I was urged by my family and friends to give up my claim; but I was deaf to their remonstrance, and determined to hold it fast. Let the Governor therefore consent to my occupying it. Auckland is Auckland, and Tauranga is Tauranga: this people here have no claim on those places; neither have the Ngatiwakaauē a claim to that island. Waikato belongs to them. They have as much right to Motiti as they have to Tamaki. My father, and his fathers before him were warriors, and they had repeated battles for Motiti. The wars would probably have lasted up to the present time, had not the English come among us, and by their influence prevented the continuation of them.

"I have been repeatedly told that the place was bitter, and that I had better give it up; but I am determined to hold the island; although others may be tired of the place, and it may be bitter to them, it is not so with me. It is as dear to me as my back-bone (the most important part of the body in the estimation of the natives); to give it up would be to consume my own bowels.

"It is a subject on which any decision that the Governor may come to, contrary to my wishes, will not receive my consent; and a fire will then be kindled that he will not be able to quench. I wish to hold the island. It has been the cause of the sepulchre of my children and family, who were killed in the wars of Tauranga. I wish the Governor to prevent the Ngatiwakaauē from even killing pigs on the island."

Te Kanaua (of Kawhia).—"By securing Motiti to Pohēpohe and the other chiefs, much evil may be prevented. Let the Governor look round the room; if Motiti is not quietly given up to these parties, eyes that are now looking at the Governor may never see him again. Blood will be shed and friendly visits prevented."

Wiremu Nela (William Naylor).—"Let the Maketu people be sent off as early as possible, in order to prevent mischief arising out of their retaining possession of Motiti."

A pause then ensued for some minutes; after which the Governor, having heard the different arguments each had to urge, addressed the assembly to the following purpose:—

"Chiefs, friends, who are met here; I see how very anxious you are to regain possession of land which you tell me once belonged to yourselves, and to which you say you have the best claim. If I were to do as my feelings prompt me, I should say that I would assist you to recover possession of Motiti. But if I were to do that, because I hear only your arguments, not having heard anything from those who are living on the spot and at a distance, would you think me just?

"I am anxious to oblige your great chief, Te Whero Whero, and to use my influence with our friends at Motiti, to give up the island. I will send an officer, in whom I can confide, to those parties who are now holding it; and I will do all that I can, fairly and with justice, to induce them to give it up peaceably, knowing as I do how many of you have strong claims upon it.

"I wish you to understand, that I will not interfere by any hostile measures; but I will use fair and reasonable influence by arguments, with the people now living there, and by showing them the strength of your claims; and, so far as I can, peaceably and quietly, I will try to persuade them to quit Motiti."

Wiremu Nela (William Naylor).—"The arrangement for sending an officer to examine the case is very good.

"I wish to mention, that Tohe, the principal chief of Maketu, visited me at the camp at Remuera, and I informed Te Whero Whero that such a person was come; Te Whero Whero refused to see him, and Pohēpohe refused also to see him, but requested that Motiti might be given up. Tohe remarked, that he did not object to Motiti being given up to Tupaea (chief of Tauranga), because he thought he had a better claim than that of the Waikato chiefs. The only reason why he withheld his consent was, because he thought it was wanted for the Waikato chiefs; but to Tupaea he would give it up; and I (William Naylor) am now come, that the Governor may secure Motiti to Tupaea."

Te Whero Whero, on being asked, if he thought Tohe would do so, answered, that it was very doubtful.

"In the course of conversation," (Wiremu Nela continued) "Tohe proposed, that I should go to Rotorua myself; but on account of treachery practised on others there, I was doubtful as to what the result would be, and I did not go."

One of the chiefs here remarked:—"The island was first peopled in this way. For many years it was unclaimed by any party, till a war broke out, and the Ngatiwakaaue took possession of Maketu, and from that they laid claim to Motiti; but it seems to me, that the island should not belong entirely to one chief. There was another chief, Ahikaiata, who ought to have a part." To this Te Whero Whero assented, saying, that other chiefs, amongst whom was Ahikaiata (connected with the Rotorua party) were interested in the place.

William Browden, or Wiremu Brodene (a native).—"The counsels the Governor has given are very agreeable, I hope the chiefs will act by them on their return into the interior. They will be productive of much good, but not until New Zealand partakes of a better heart and a new disposition."

Paore (Paul).—"The remarks that have been made, and the advice that has been given to-day, are good, and tend to good; I hope that what has passed may be remembered by all of us, they have given me great pleasure, and I have been much struck with the justness of them."

Te Karaka.—"Let the chiefs listen to what the Governor has said, it is good; it will tend to raise them; instead of remaining like dogs, we shall spring up to be men. I hope all approve of what has been said, and will always come properly clothed when they visit the Governor."

Tomate Warapa (Thomas Walker).—"How will the chiefs receive the instruction that has been given to them to-day? Will they receive it rightly or wrongly? Many of them will receive it well. We are at present like children, and need to be borne with as children when they are receiving instruction; let all remember what has been said to-day, it is very good, and let it be received as such."

After listening to a few remarks relative to the sale of their lands, and sending English into the interior of the country, the meeting was terminated, and the chiefs returned to Remuera.

Government House,
13 May 1844.

(signed) *Robert FitzRoy*, Governor.

A few days after this conference, the tribes assembled at Remuera began to separate, to return to their respective districts.

On their way back, a party of Matamata natives committed some depredations* at the small settlement of Papakura, about 20 miles from Auckland.

Te Whero Whero, Wetere and the other principal chiefs of Waikato, who had not yet left Remuera, hearing of this, applied to Mr. Clarke, the Chief Protector, to request that they might see the Governor on the subject; and on the 24th they assembled by appointment at Government House, for the purpose of consulting with the Governor as to the steps to be taken, the amount of compensation to be demanded, and the method of enforcing compliance with whatever decision might be made.

His Excellency commenced by observing to them that he was extremely sorry, that after every thing had passed off so satisfactorily at their great feast, such an offence as that of the Matamata natives should have been committed, just at the last moment; but he did not wish by this remark to impute blame to Te Whero Whero, or the other Waikato chiefs. Mr. Clarke would read to them two letters that had been prepared for Pohepohe and Tamihane (or Thompson), the two most influential chiefs of Matamata.

When Mr. Clarke had read the letters, he asked whether they thought them too strong; to which Te Whero Whero immediately replied, "No! How could any thing be too strong for such persons?" He considered the disgrace of this occurrence as reflected upon himself and the whole of the assembled tribes.

The

* This affair is not looked upon by natives as a robbery, or even as a crime, the property was taken in broad daylight, before the face of the persons to whom it belonged, in accordance with an old custom of "stripping" even their friends, on returning home after a great feast.

The Matamata tribe being so distinct from his own, he could not directly interfere, farther than by expressing the greatest disapprobation of the whole transaction, and by strongly urging not only immediate restoration of the goods that had been taken away, but whatever compensation the Governor should name.

If the offence had been committed by any of the Waikato tribe, whatever the Governor suggested—even imprisonment, he said, should have been instantly enforced. He had no doubt that, on account of the great stir that had been made in the matter, the parties would come forward and restore the property; but rather than no reparation should be made—so much was this disgrace reflected on his own tribe—they would themselves make any compensation the Governor might name, and would themselves submit to imprisonment.

The Governor here interrupted Te Whero Whero, telling him that he could not possibly think of any measures of this kind. He could not think of allowing punishment to fall upon persons entirely innocent of the whole affair. Although their (the native) customs were so different, Englishmen always were taught by their law, that it was better a hundred guilty men should escape than that one innocent should suffer punishment unjustly.

Retaliation was not looked for; nothing was asked beyond restitution of the property, a fair reparation for the injury committed and the alarm that had been caused. The effect of such affairs as these would be most injurious to themselves, if not atoned for promptly; it would prevent English from settling in the interior and benefiting the natives. He would suggest merely, that every article should be restored, and the full value of all that could not be recovered should be made up to the parties injured; and that an offering, however small, should be made by each offender as an acknowledgment of the offence and of regret for what had been done.

His Excellency thought that the trouble and inconvenience that would be caused to the offenders by having to return from such a distance would be sufficient punishment. He would himself tell Pohepohe, that till such compensation was made, all friendly intercourse with the Government would cease, the arrangements entered into respecting the completion of an old negotiation for the purchase of lands at Matamata would not be carried out, and nothing would be done towards settling the dispute about Motiti.

A general and very cordial assent was given to these proposals. Te Whero Whero said, he had expected that after the advice the Governor gave them the other day, the whole affair would have ended peaceably with all parties. Then turning to a Matamata chief (named Henry Williams) who had recovered some of the property taken away, and was present at this time:

“Tell them,” said he, “that like a set of mean fellows, they took advantage of the absence of their chiefs, to behave like cowards—like dastardly wretches! If they wanted to fight, why did they not attack men, instead of two or three old women. They deserve to be considered as dogs, and treated as such by their tribe. And tell the Matamata people, that I and the other chiefs hold ourselves as hostages to the Governor for their misconduct, and that it is owing to his good-will, and entirely as a matter of favour, that I am now at large instead of being in prison.”

(This is in accordance with native custom; the chiefs being always considered responsible for any offence committed by men, of tribes they are connected with.)

Te Whero Whero then turned to his Excellency and said, he was much vexed that the advice given by the Governor had in this case been neglected. He and the chiefs would write to Pohepohe, and if reparation was not made by the Matamata people, his own tribe would consider themselves responsible. They had no other produce but pigs, flax and potatoes, but these should be freely given to any extent.

The Governor again observed, that he could not let them do this; he had no doubt that the Matamata people would do what was right.

The Matamata chief (Henry Williams) then got up, and spoke to the following effect:

“Had the Governor listened to Te Whero Whero’s proposals, and allowed the responsibility to rest on him and his tribe, I should have gone home with a darkened heart, I should have been much grieved. Still had the Governor consented

consented to it, I should not have denied the justice of it. The sun has again shone on us ; I shall return rejoicing, and all in my power shall be done to obtain compensation for the English at Papakura. What the eye can see, or the ear can hear of, shall be found and restored.

" Tamihana (Thompson), has for many years instructed his people. He is a Christian ; his thoughts are not different from the English ; his words would be, ' they should be punished as English ; but he might be opposed by the party who have not become Christians, and they might not consent to give the offenders up.

" Nevertheless, I think, there will be but one voice, and all will join in compelling the offenders to make full reparation as proposed.

" Thompson had cautioned the natives before they came to Remuera, to behave well, and not to get themselves taken to prison, and though the advice of the chiefs has not been fully attended to, I think there will be but one opinion, agreeing with that of the English on this subject."

The Governor then said, he could not allow them to depart without expressing his gratification at the general good conduct and deportment of the natives during their stay at Remuera. Although there had been at Auckland and the neighbourhood no less than 6,000 or 7,000 natives in the course of the last month, they had all gone home without having created any disturbance, or caused any alarm, except in this one instance ; and the greatest credit was due to Te Whero Whero, Wetere, and the chiefs generally, for the order and good conduct which they had maintained throughout.

Te Whero Whero and the other chiefs were greatly pleased at this compliment. " It was true," he said, " that it had been their former custom on such occasions to plunder wherever they went on their way home, but with their present knowledge of English customs, the conduct of the Matamata natives was disgraceful."

The chiefs then departed, apparently being much satisfied with the arrangement agreed upon, and with the result of their conference.

I have, &c.

(signed) *Robert FitzRoy*, Governor.

Enclosure in No. 4.

Encl. in No. 4.

NAMES and Estimated Number of the principal Tribes present at Remuera, 11 May 1844.

NAME.	RESIDENCE.	CHIEFS.	—
Ngatihaua - - -	Matamata - - -	Pohopohe - - -	400
Ngatiawa - - -	Tauranga - - -	Tupaia - - -	200
Ngatikoroki - - -	Maungatautari - - -	Ngoungou - - -	140
Ngatimahanga - - -	Wangaroa - - -	Wiremu Nera - - -	140
Waikato - - -	Waikato - - -	Te Whero Whero - - -	800
Ngatiruru - - -	Otawhao - - -	Mokoura - - -	140
Ngatikoura - - -	Orakau - - -	Titipa - - -	140
Patukoko - - -	Otawhao - - -	Haunui - - -	100
Ngatitipa - - -	Okoro - - -	Kukutai - - -	140
Ngatitemaoho - - -	Pehiakura - - -	Wetere - - -	200
Ngatiteata - - -	Awhitu - - -	Kaihau - - -	140
Te Akitai - - -	Papakura - - -	{ Thaka - - - }	100
		{ Tihi - - - }	
Ngatipou - - -	Tarahanga - - -	Uira - - -	100
Taunui - - -	Kawhia - - -	Kanawa - - -	340
Ngatihikauro - - -	Heahea - - -	Ake - - -	60
Ngatitekiriwai - - -	Te Wapu - - -	Rauangaanga - - -	200
Ngatiwhatua - - -	Orakei - - -	Kauwau - - -	80
			3,420

Rob. FitzRoy,
Governor.

No. 5.

Governor FitzRoy
to Lord Stanley,
4 June 1844.For Governor FitzRoy's
despatch, No. 12,
15 April 1844, vide
Correspondence, New
Zealand, ordered by the
House of Commons to
be printed, 14 March
1845, No. 131, p. 18.

(No. 20.)

— No. 5.—

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

My Lord,

Government House, Auckland, 4 June 1844.

REFERRING to my despatch (No. 12), dated 15 April 1844, I have now the honour to enclose a copy of my instructions to the Superintendent of the southern division of New Zealand.

I have, &c.

(signed) *Robert FitzRoy*, Governor.

Enclosure in No. 5.

INSTRUCTIONS for the guidance of his Honor the Superintendent of the Southern Division.

1. THE Southern Division of New Zealand includes Cook's Strait, and all places in New Zealand south of the river Otumutua near Cape Egmont, of a line thence from its source to the summit of Mount Egmont, thence to the summit of Mount Tongariro, (such line being taken along the highest ridge or watershed between the two summits), from Tongariro to the source of the river Wairoa, and thence along the said river to the sea.

(N. B.—The Chatham Islands are included in the Northern Division of New Zealand for the present.)

2. The Superintendent will correspond with the Governor on matters of a private and confidential nature; but he will forward all returns and other official documents to the Colonial Secretary, with whom he will correspond generally.

3. An officer being appointed to execute the duties of Secretary and Registrar, (in which duties are to be comprised those of Secretary to Government, Private Secretary to the Superintendent, Provisional Auditor of Accounts, and Registrar of Deeds), it will be the duty of the Superintendent to see that the said officer executes his various duties efficiently and faithfully, and that he makes up and transmits accounts and returns as regularly and as frequently as circumstances allow.

4. All returns and accounts relating to the Southern Division are to be examined and provisionally audited at Wellington, previous to their transmission to Auckland, as soon as may be practicable after the expiration of each month.

5. The Superintendent will correspond with the police magistrates in the Southern Division, and will consider them the representatives of the local government, when neither he nor the Governor is in the neighbourhood, or within a day's journey; but they have no general authority to incur expense or draw for money.

6. The Superintendent is hereby authorized and required to demand from the Sub-treasurer such sums as may be authorized by the Governor or officer administering the government for special public purposes; or for unfixed or unforeseen contingencies, which it may be absolutely necessary to defray immediately, without the delay of such a reference to the head of the local government as is to be made in all usual and ordinary cases wherein the expenditure of public money is concerned.

And the Superintendent will take especial care that full and explicit vouchers in every instance accompany the record or explanation of every such transaction, and that a report of each case is forwarded to the Governor by the earliest opportunity.

7. Arrangements will be made for facilitating the payments of all salaries and fixed contingencies with as little delay as possible after they have become due.

8. The Superintendent will regulate his general conduct in acting for the Governor by the spirit of the Royal Charter, and of the instructions which accompanied it, when New Zealand was erected into a British colony; by the correspondence which has taken place between the Secretaries of State and the Governors of New South Wales and New Zealand and the New Zealand Company (all which documents are printed, and may be obtained by the public), and by such special lawful directions as he may from time to time receive from the Governor or officer administering the government of the colony of New Zealand.

9. With respect to conduct towards the aboriginal natives of New Zealand, the Superintendent will be guided by the spirit of the instructions from the Secretary of State, accompanying the Royal Charter erecting New Zealand into a British colony; on the principles laid down in those instructions he will act to the best of his judgment, and by so acting, it is to be hoped that he will be able to maintain a general neutrality with regard to the disputes or even conflicts of aboriginal natives, which affect themselves alone; while he will not fail to give advice, and to employ all proper conciliatory measures, interfering only as a mediator.

10. In any case of pressing emergency, the Superintendent will employ or charter a vessel for such purpose as may appear to him indispensably necessary: one such may possibly be the immediate transmission of important intelligence.

11. The Superintendent is hereby required and directed to act for and on behalf of the Governor, in giving orders for the "march and distribution" of the detachment of military in the southern division of New Zealand, for "the formation and march of detachments

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and escorts, and generally for such military service as the safety and welfare" of that part "of the colony may require;" such orders not being at variance with any instructions from Her Majesty's Government, or from the Governor of the colony.

12. When natives or others refuse to go off and validly purchased, or persist in remaining on land to which it is decided by competent authority that they have no right or claim, a case arises which, in the present state of New Zealand, requires the utmost circumspection; anxious as the Superintendent will naturally be to protect the lawful owner of such land, and to enforce the law in an instance where its support by the executive power of the Government appears to be so desirable, it will nevertheless be his imperative duty to consider whether, by endeavouring (successfully or otherwise) to enforce the execution of our law of trespass, greater evils might be brought on the colony generally than would be the consequence of submitting temporarily to actual injustice done to individuals.

The Superintendent will be slow to employ forcible measures, even when he is tolerably sure of effecting his lawful purpose, and unless by so doing he will be acting more beneficially for the public welfare (rather than for that of individuals) than by pursuing a different line of conduct.

With so very small an amount of physical force at command, the greatest prudence, forbearance and deliberation are absolutely necessary.

13. Documents sent to the Superintendent, which it is necessary to transmit to Auckland, are to be sent in original without being copied at Wellington (unless the Superintendent should in any particular case require copies to be taken), but all such documents should be registered, and the manner, as well as time of their being forwarded to Auckland, should always be noted for reference.

—No. 6.—

(No. 21.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

Government-House, Auckland,
1 July 1844.

My Lord,

I HAVE the honour of forwarding to your Lordship the New Zealand Government Gazette for the half-year ending 30th June 1844.

I have, &c.

(signed) *Robert FitzRoy*, Governor.

—No. 7.—

(No. 22.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

Government-House, Auckland,
14 July 1844.

My Lord,

I HAVE the honour of transmitting to your Lordship copies of four addresses from the inhabitants of Auckland, Wellington, New Plymouth and the Bay of Islands with my answers.

I have, &c.

(signed) *Robert FitzRoy*, Governor.

Enclosure 1, in No. 7.

ADDRESS from the Inhabitants of Auckland to Governor *FitzRoy*.

To his Excellency *Robert FitzRoy*, Esquire, Captain in the Royal Navy, Governor of New Zealand and its Dependencies, &c. &c. &c.

Encl. 1, in No. 7.

May it please your Excellency,

WE, the inhabitants of Auckland, in public meeting assembled, beg leave to avail ourselves of the earliest opportunity of congratulating your Excellency upon your auspicious arrival in this colony, and of expressing feelings of the sincerest and most heartfelt loyalty towards Her gracious Majesty our Sovereign, of whose kind regard and solicitude for the happiness of her faithful subjects in this most remote portion of Her widely-extended dominions we could have no stronger proof than the appointment of so distinguished an officer as your Excellency to be Her representative.

We would also unite with your Excellency in feelings of gratitude towards that Divine Providence who overrules all human events, and by whose superintending goodness and direction

direction your Excellency and your Excellency's family have been brought in safety to this country, where, we earnestly hope, they may long be preserved in health and happiness, and may be the means of conferring many blessings upon its inhabitants.

While we thus express our heartfelt congratulations for the safe arrival of your Excellency among us, and our reliance upon the wisdom and energy of your Excellency for devising and carrying out the requisite measures for inspiring confidence in the colonists, we would still respectfully take the earliest opportunity of bringing under your Excellency's notice the unhappy condition of the settlement, its extraordinary distress and depression, as well as the extraordinary causes which have led to this, in the fullest confidence that your Excellency will feel disposed to adopt remedial measures adequate to the necessity of the case, upon which depend the preservation of the present colonists, if not the integrity of the settlement itself.

To depict the present state of this settlement we need only bring before your Excellency's notice the bankruptcy of the local government, the great amount of its debts in a community so small, with the vast amount of privation and misery necessarily occasioned; the suspension of the land sales as well as of emigration; the total destruction of the once flourishing commerce of the country; the state of starvation in which many of the emigrants are existing, with the complete prostration of the energy of the settlers generally, and their desire to leave the colony unless an immediate change for the better can be brought about: all these, with many other and perhaps stronger symptoms, your Excellency will easily discover to exist, thereby leaving no doubt as to the reality of the distress, and the urgency of the measures necessary to counteract it.

Your Excellency's knowledge of the almost universal depression of commerce, more particularly perhaps in the adjacent colonies, may, in a great measure, have prepared your Excellency for the existence of a similar state of things here; but we would respectfully desire to point out the widely different nature of the causes which have produced these evils in the different places. While in Britain and in the adjacent colonies the prevailing distress and derangement of commerce may easily be traced to an extravagant extent of commercial speculation in connexion with great moral and political changes; the depression which exists here, on the other hand, we attribute solely to the unfortunate and impolitic measures of the Government, which, one after another, have produced the lamentable and unhappy state of things which we have endeavoured faintly to pourtray.

We do not make this statement, however, with angry feelings or in a recriminatory spirit, but in the language of truth alone, and under the hope that it may prove an additional reason for exerting all the means within your Excellency's power or influence to restore prosperity to the country and to the people who have been made the innocent and unfortunate victims.

Without troubling your Excellency with minor causes which have operated so fatally on the prosperity of this settlement, we would respectfully notice one, which more than all the others, perhaps, has contributed to this effect, viz., the non-settlement of the claims to land made by the old and original settlers, which, after the lapse of nearly four years, are still in abeyance. Not only, therefore, have the individual claimants suffered by this delay great hardship, privation and ruin; but, as your Excellency is no doubt aware, the extensive commerce of the country which existed when the Government took possession of it was carried on by these individuals, based entirely upon the security of their extensive tracts of land; so that the first proclamation issued by the late Captain Hobson, throwing discredit on these titles, was the deathblow to the commerce of the country. From that period it rapidly declined, and the last vestige of it has, long ago, ceased to exist. The settlement, therefore, of these claims upon a fair and liberal footing, though it cannot now repair the injury caused to the individuals, is still required as an act of justice towards them, and would even yet be productive of general good to the settlement. We therefore hope to see it meet with the early consideration of your Excellency, believing that the more favourable the terms of the arrangement, the greater will be the general as well as individual benefit. It would be presumptuous in us to allude to the particulars of such an arrangement as your Excellency may deem proper to make; but there is one point connected with the matter that we would respectfully desire to notice, viz., that no lands so claimed, and to which no grant can be made to the claimant, may be taken possession of and appropriated by the Government; believing as we do that it would be highly unjust towards the natives, and, at the same time, highly impolitic, as the natives lay claim to such surplus lands; and the forcibly taking possession of them by the Government would be attended with the very worst consequences.

At the present moment there is nothing calculated to affect the interests of this colony more powerfully for good or evil than the proper adjustment of our intercourse with the natives so as to ensure their good-will and friendship; without which we do not hesitate to express our conviction that the colony can never prosper, as the security of life and property cannot be ensured to the Europeans while the just rights of the natives remain in abeyance. This subject, therefore, we trust will also meet with the early consideration of your Excellency.

It is with sorrow that for some time past we have observed discontent and dissatisfaction widely spreading among the natives. The first establishment of the Queen's authority here was hailed by them with joy; and more extended intercourse tended, for some time, to increase their respect for us; but of late many events have occurred to diminish this, until it is now all but destroyed. It is well known that the natives regard us now neither with respect nor fear. Our physical power has been brought into contempt; but what is still more to be regretted, the moral influence which had been acquired over them has also been

lost. Her Majesty's Government, which by a friendly but firm disposition towards them, by a faithful discharge of all engagements entered into with them, and by a uniformity of conduct and action towards them, should have claimed and obtained not merely their confidence, but their admiration; instead of this, however, the conduct of the Government hitherto has been such as to have led the natives to entertain feelings of suspicion and distrust, as well as of disrespect, which feelings have, to a great extent, been from this cause entertained against the Europeans generally, and has led the natives even to express hostile intentions towards them. It is only a few days since the Government surveyors were turned off certain lands for attempting to survey them before the land was properly purchased or paid for, a proceeding which, besides placing the Government in a degrading position, has a tendency to bring about a collision with the natives, as we have but too painful experience of in the late fatal rencounter at Wairu. We therefore hope to see such measures adopted towards the natives as will not merely remove all just cause of offence, but such as may gain for the Government that respect and confidence so essentially necessary for the interests of both races. This, we feel assured, can only be accomplished by a scrupulous regard to the rights of property in the natives, and by a faithful discharge of all obligations come under, or promises made to them.

Our relations with the natives, we believe, can never be placed upon a secure basis, until their full rights, as British subjects, are conceded to them; more particularly the power of selling their land to whom they please—a power which they ardently desire to possess, and which their intelligence, as well as their natural rights, gives them the strongest claim to enjoy. The sudden deprivation of this right has already caused them great hardship and injustice, and we therefore hope to see it restored to them, while it is yet a matter of choice rather than a matter of necessity with the Government. The principle of Government becoming traders in the buying land from the natives at the least possible price, and re-selling it to the Europeans at the very highest price, seems highly objectionable in any case, but is particularly so here, where the natives have so frequently disputes as to the rightful ownership of the land. If the Government is the purchaser, who can be the umpire between the claimants? Nor is this an imaginary case, as we believe that the last purchase made by Government stands in this position; the land, it is believed, has been purchased from those having no right to sell it, and about which the natives concerned were on the point of deciding the matter by an appeal to arms. Unhappily this fatal alternative had already been tried at Manganui about eight months ago, where upwards of 30 natives lost their lives in a similar quarrel about a piece of land which the Government had purchased from a native pretending right to it, while it had been sold by other natives previously, and was in the actual possession of Europeans.

Another measure of vast importance, and calculated to exert an immediate effect upon the prosperity of the colony, would be the removing all obstructions on commerce, throwing it open as widely as possible, by inviting the ships of all nations to supply our wants, thereby enabling us to call forth and make available the productions of this country in exchange. The present period (independent of the justice and good policy of such a course) seems highly favourable for its adoption, as we cannot avoid seeing that the fearful distress and agitation now convulsing our native land have their origin in the various restrictions on commerce; of necessity instituting class interests, which are partial and unjust in their operation as regards the rest of the community, and destructive of commercial prosperity. One of the most important and lucrative branches of commerce that could be carried on here—the furnishing of supplies to the vessels engaged in the whale-fishery—will, in a great measure, be lost to this country, unless every obstacle be removed to their freely entering our harbours unimpeded by Customs regulations or payment of high duties on their produce, now that European settlements are being formed in the various islands of the South Seas, where these restrictions are unknown. To free the commerce of our infant settlement from every species of obstruction we hope may be the tendency of your Excellency's measures, feeling assured that such a liberal course of policy will best promote the present and future interests of this colony.

Not only is the general principle of restrictions on commerce hurtful, but the particular application of it is highly injurious here, and calls for the immediate interposition of the Government in establishing a preventive force all round the island to ensure the impartial operation of the laws. This more particularly applies to the duties levied on spirits and tobacco (the principal articles of consumption), which more than equal the original cost of the article, creating thereby such inducements to smuggle, that one-tenth of the consumption it is well known does not pay duty. Under such a system the honest trader has no chance whatever; and he must at once resign the trade altogether into the hands of the smuggler, unless protection is afforded by the Government, either by a preventive force, or by such a reduction in the duties as will remove all inducement to evade their payment.

As a minor, but still very important, measure for the benefit of the settlement, we hope to see a due portion of the revenue of the colony expended in forming roads, bridges and other improvements to render available the lands purchased at such a high rate from the Government. Hitherto nothing of this kind has been done. Not only are there no roads formed in the country, but not even is there, as yet, one street in town in a passable state in winter; and, though the colony has now been nearly four years in existence, no attempt has been made to form a landing place for goods, the want of which entails enormous expense upon the community, upon whom it all ultimately falls, but is further injurious in the great consequent delay occasioned in the discharging of the cargoes of vessels.

The large number of emigrants out of employment, many of them being in the most destitute

destitute circumstances, will no doubt receive from your Excellency that early and efficient assistance which their circumstances require. Many of them—those in particular who last arrived—have been hitherto treated with the utmost indifference; all employment being denied to them, while many of them wanted even the necessaries of life. As an act, therefore, of justice as well as of humanity, we trust that your Excellency will soon find employment for them. They have hitherto endured their privations with great fortitude and patience, for which they have now every claim to be rewarded.

There are still many other subjects of great importance, but as they do not so immediately, perhaps, affect the interests of the settlers, we forbear at present troubling your Excellency by any particular notice of them; such, for example, as the necessity of a re-survey of the town and country, the grossest mistakes having been committed, and justice hitherto being denied to the sufferers; also, the necessity for the establishment of a cheap and expeditious method of compelling payment of small debts—in other words, a Court of Requests. Such a court at one time existed here, but was superseded by a “County Court,” the great expense and formality of the proceedings of which amount, virtually, to a denial of justice.

We hope that, under your Excellency’s Government, the punctual payment of salaries and other pecuniary obligations due by the Government may be duly attended to; the want of which, hitherto, has not only caused great inconvenience, hardship, and loss of credit to the individuals themselves, but has been hurtful to the community generally, and productive of the worst consequences to all parties.

The recent importation of juvenile delinquents from the Penitentiary of Parkhurst is a subject to which we would in an especial manner direct the attention of your Excellency, as being in its moral influence fearfully calculated to injure both the native and the European population.

In conclusion, we earnestly hope that the Government of this colony, under the influence of the exalted character of your Excellency, both in intellectual capacity and moral worth, may now raise itself to the becoming dignity of a British Government; that it may claim the respect and admiration, not merely of the colonists, but of the world. This colony must always be regarded with intense interest, being, as it is, the centre of civilization of the numerous islands in the Pacific; and there is every reason to wish that nothing may be left undone to render the colonizing of it in every way successful.

We will not disguise from your Excellency that a total want of confidence has hitherto existed here between the Government and the people, and that many of us have warmly but conscientiously opposed the measures of that Government, conceiving their tendency to be destructive of the best interests of the colony; but a new day we trust has now dawned upon New Zealand. The interests of the Government under your Excellency’s administration will, we feel assured, be the general interests of the community, and it will be our greatest pleasure to employ our humble efforts in assisting to carry out the measures of your Excellency, for the maintenance of good government, the prosperity of the colony, and the moral and intellectual improvement of the community.

With our repeated and best wishes for the prosperity and happiness of your Excellency and your Excellency’s family,

In name and by request of the meeting,

Auckland, 26 Dec. 1843.

(signed) S. M. D. Martin, Chairman.

Enclosure 2, in No. 7.

ANSWER of Governor FitzRoy to the Address from the Inhabitants of Auckland.

Gentlemen,

Government House, Auckland, 30 December 1843.

IN acknowledging how much I am gratified by the expressions, the tone, and the valuable substance of the address by which you have been pleased to honour me, as the representative in this colony of our beloved Sovereign, I am most desirous of assuring you, that however undeserving I may feel myself of the complimentary language in which the first part of your address is couched, no effort shall be wanting on my part to realise your hopes, and do justice to Her Majesty’s confidence, while Divine Providence permits me to enjoy health and capability. Encl. 2, in No. 7.]

Allow me also to thank you most cordially for your kind congratulations on the safe arrival of Mrs. FitzRoy and my family; she, like myself, is deeply interested in the improvement of New Zealand, and among her own sex will do all she can to promote their eternal as well as their temporal welfare.

Most painful indeed it is to find such distress and depression prevailing here, as well as in almost every other colony, and in the mother country.

The causes which have led to the distress of our countrymen in New Zealand demand the utmost attention, and immediate counteraction as far as may be practicable.

The temporary embarrassment of the local government is a cause of distress unlikely to last many months.

The present state of things is undoubtedly very bad, but I see no reason to doubt of future prosperity.

An equitable as well as speedy settlement of the land claims, harmonious intercourse with the aboriginal inhabitants, a course of policy calculated to meet mutual interests, and

therefore unite rather than disserve, and a steady perseverance in truly christian conduct, will doubtless be rewarded by prosperity and happiness.

Meanwhile, let us all put our shoulders to the wheel; let us help one another as much as possible, casting aside uncharitable and acrimonious feelings engendered by doubt and distress; let us heartily rally, and earnestly exert ourselves, each in his station, and, with God's blessing, success must follow.

I agree with you that it would be improper to take possession of lands validly purchased from aborigines, but in excess of the quantities allowed to be held by Europeans in New Zealand.

I trust that the natives of New Zealand will fully respect and admire the equitable government of our Sovereign.

No one is more desirous than I am myself, that the natives of New Zealand should enjoy the full rights of British subjects, as soon as they are sufficiently advanced in civilization.

The power of selling their land to whom they please was withheld from them by the Crown, for their own benefit. I am authorized to make arrangements more suitable to their improved and daily improving condition.

I am extremely desirous that restrictions on trade should be removed, and commerce made as free as possible; but measures tending to this end must be deliberately and most carefully planned.

A due portion of the revenue of the colony will be conscientiously applied in public works; and, as far as circumstances will allow, the more distressed of our countrymen will be employed upon them.

A re-survey will be effected where absolutely necessary, if the evils consequent on such a disturbing measure should appear to be decidedly less than those now existing.

A cheap and expeditious method of compelling payment of small debts is a measure absolutely necessary, about which I shall deem it my duty to confer fully with the legal adviser of the Government and other gentlemen of recognized ability.

The punctual payment of salaries and other obligations of the Government will be attended to as scrupulously as the means at my disposal will admit, and future liabilities will be most jealously scrutinized.

No more pardoned offenders, whether apprentices or others, will be sent to this colony before Her Majesty's Government have received a report on the subject from me; but I hope that, pending the ultimate decision of Her Majesty, due charity of feeling will be exercised towards these youths.

Again thanking you truly and fervently for your kind, loyal and patriotic address,

To S. M. D. Martin, Esq.,
and the other Gentlemen of the Deputation
from the Inhabitants of Auckland.

I have, &c.
(signed) *Robt. FitzRoy*, Governor.

Enclosure 3, in No. 7.

ADDRESS from the Inhabitants of Wellington to Governor *FitzRoy*.

To his Excellency *Robert FitzRoy*, Esq., Captain in Her Majesty's Navy, Governor and Vice-Admiral of the Colony of New Zealand and its Dependencies, &c. &c. &c.

Encl. 3, in No. 7.

WE, the undersigned inhabitants of Port Nicholson, most respectfully submit the following facts to the serious consideration of your Excellency.

More than four years have elapsed since we originally purchased our title to land under the New Zealand Company. The land has been surveyed and selected; but we have hitherto been able to obtain possession of a very small portion only. Questions of a serious nature daily arise between the colonist and the native, which, in the present state of the disputed claims to land, do not admit of a satisfactory or final adjustment. The colonists are prevented from clearing or cultivating their lands; their capital has been greatly wasted; many labourers have left the colony; and irretrievable ruin inevitably awaits them unless this question be speedily and finally settled. We hope that no great or insuperable difficulty will impede its adjustment, as any future delay will be pregnant with occasions of future strife, and will be productive of ruin to the settler, without any permanent benefit to the native. We would also remind your Excellency, that the colonists of Port Nicholson were the first purchasers of land from the New Zealand Company, and have been mainly instrumental in causing other settlements to be subsequently formed in different parts of these islands; and we would therefore submit to your Excellency whether our claims are not deserving of your earliest consideration.

Since the death of your Excellency's predecessor, the late Governor, events have occurred exceedingly calamitous in themselves, and indicating the existence of deep-seated causes of disorder and dissension—events which have shown at once the unrestrained passions of the native race, and their indisposition to admit the authority of Government or bow to the supremacy of the law. We have been astonished at finding that the general impression among the natives is, that they are only partially subject to our laws, that those who assume to be their special advocates appear to contend for this as a privilege to which they are entitled, and that in more than one instance the Executive has been embarrassed by doubts upon this point, expressed by leading officers of the Government. If there be any thing in the transition state of the New Zealanders that requires a modification of the law, to adapt it

it gradually to their circumstances, we would suggest that such exceptional rules might be framed and promulgated in the native language; but that no interpretation of any treaty or any short-sighted philanthropy should be pleaded as an exemption from the authority of the Queen's Government. We believe that the massacre at Wairau was only one example of what may be often repeated, and on a greater scale, if the entire policy relating to the aborigines be not changed. A body of Englishmen accompanied the magistrate, because they saw he carried with him the Queen's warrant, with the policy or impolicy of which they had no concern; and the natives resisted because they had been taught that, on certain questions, they were not amenable to our laws; and throughout the affair, and since, they have acted as if they were engaged in a legitimate warfare. We regret to say that the subsequent proceedings of the local Government have tended to confirm them in this belief. They have been treated and negotiated with, not as British subjects lying under the imputation of a heinous crime, but as belligerent powers; and they now rest satisfied with the fruits of a victory which has confirmed these delusions. We have been taught, that one drop of the blood of the meanest of Her Majesty's subjects was sacred at the extremities of the earth, and here we find twenty-two slain, nine of whom were massacred in cold blood, by men who, instead of being brought to trial or made the subjects of a judicial inquiry, have been treated as innocent or injured parties. In further illustration of what has been advanced, we may add, that in a late case in which a native of distinction was tried in this place for robbery, considerable excitement prevailed among the natives, and we are credibly informed, that a very large assemblage of armed natives took place among the hills behind the town, on the days of the trial, for the purpose of making an attack on this settlement, if the sentence on the prisoner had been unsatisfactory to them. We dwell upon this subject at length, because we are fully convinced, that unless an equal and impartial administration of the law be secured to all classes of Her Majesty's subjects, and an unqualified submission to its authority be exacted from the natives, circumstances will unhappily arise which cannot fail to be detrimental, and possibly ruinous, to the prosperity of the colony, and to destroy all those hopes of the improvement of the New Zealanders, founded upon their intercourse with the settlers, and their consequent adoption of the habits and feelings of a civilized community, which were entertained by those individuals to whose exertions the foundation of the colony is mainly to be attributable. We fear that the establishment of Protector of Aborigines, as at present constituted, has not tended to promote good feeling between the natives and colonists, and would submit to your Excellency the inquiry, whether disputes between the natives and Europeans, in reference to land, have not been more frequent in districts where Protectors have been appointed, after such appointments have been made.

The suspension of legislation in this colony during the last year, has necessarily prevented the enactment of many laws deeply important to its welfare; and the distance of the seat of Government from Port Nicholson, joined to the want of any resident functionary possessing adequate powers, has been productive of many serious inconveniences to the inhabitants of this place. We rejoice to believe, that the appointment of your Excellency will lead to the immediate removal of the latter of these evils, and will secure the enactment of laws founded upon the principles, and harmonizing with the practice of the English constitution, but so modified as to adapt them to the peculiar circumstances of this colony.

These subjects are of such deep and vital importance to the colony, that we would hesitate to weaken the interest your Excellency may feel in them, by dwelling upon others which, though of importance to the prosperity of the settlers, must yield to the urgent necessity which calls for measures relative to those already mentioned. One of the most important, as affecting the internal regulation and economy of the settlement, is the formation and maintaining of roads, so that we may be in profitable occupation of our lands, and the power of making the necessary improvements in the town. We would also suggest the expediency of erecting a beacon, or lighthouse, at the entrance of the harbour; the relaxation of the duties affecting the shore whale-fisheries, so as to place them on the same footing with whaling ships; and a revision of our laws affecting our commerce with the neighbouring colonies.

We should be happy to be allowed to offer to your Excellency such suggestions on these and other points affecting the prosperity of the colony, as our experience during the last four years may have enabled us to furnish; and we respectfully solicit that you will be pleased to appoint a day to receive a deputation, authorized to confer with your Excellency on these subjects.

Enclosure 4, in No. 7.

ANSWER of Governor *Fitz-Roy* to the Address from the Inhabitants of Wellington.

Gentlemen,

Wellington, 29 January 1844.

It is my duty, no less than my inclination, to attend very carefully to the statements you have just made to me, and to give them my most serious consideration.

Encl. 4, in No. 7.

The importance of the land question cannot be over-rated; it is a question which must be forthwith settled conclusively, upon strictly just principles; not by aggressive or compulsory measures.

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Since the lamented decease of my predecessor, "events have," indeed, "occurred in this colony most calamitous in themselves, and indicating the existence of deep-seated causes of disorder and dissension;" but, gentlemen, I regret deeply to find myself obliged to inform you, that those events have shown me, most painfully, the necessity of restraining the spirit of aggression and injustice on the part of my own countrymen, and how dangerous it is to trust executive authority in the hands of men, whose judgment and better feelings may be neutralized by unrestrained impulse.

Difficult, indeed, it would be to induce the intelligent, active and daring chiefs of New Zealand, supported as they are by their thousands of armed warriors, to submit tamely to laws administered with such evident injustice as that which, to the disgrace of our nation, characterized the fatal proceedings at Wairau.

Although the aboriginal natives of New Zealand are now British subjects, it is not a necessary consequence that they should be, in every respect, "entirely" amenable to the "British law."

The majority of the native population of New Zealand are as yet ignorant of our legislation. How unjust, oppressive and unchristian it would be to exact a rigorous obedience to unknown laws.

By slow degrees the influence of civilization, attendant on good example, and the propagation of Christianity, in conjunction with the gradually increasing application of British law, will work the desired effect, and bring the whole population sufficiently under the necessary degree of control.

A wonderful change has taken place in New Zealand since 1824; if 20 years have done so much, and if improvement has been more rapid of late years, may not similar results be anticipated from similar measures.

Coercive and harsh steps, as all forcible measures must be, might be apparently successful for a time, but destruction and the general ruin of the colony would inevitably follow such an unjustifiable line of policy.

Could such conduct be authorized by our Government, I should respectfully tender my resignation of Her Majesty's commission. But no such course is now, or is likely to be sanctioned by a British Sovereign.

You have dwelt so much on the fatal catastrophe at Wairau, that I feel it imperative on me to remind you, painful as it is to my feelings, that our countrymen were there the aggressors, that the principal magistrate was acting illegally, that at least thirteen of our countrymen fell during the heat of a conflict brought on by the misconduct of those in authority; and that the other nine, though mercilessly slaughtered after they had surrendered, fell victims to those whose ferocious passions they had roused to the utmost, and who were still wild with savage fury.

The British Government does, and will hold sacred the blood of Her Majesty's subjects, if shed in a just cause; but to suppose that injustice will be countenanced, and misconduct defended by a British Sovereign, or by those whom the Sovereign trusts in high authority, is a great and dangerous error.

I am sorry that you "fear that the establishment of Protector of Aborigines, as at present constituted has not tended to promote good feeling between the natives and colonists." How far any of the Protectorate department may have mistaken their functions, or acted incorrectly, I am not aware, as no instance of misconduct has yet been made apparent to me; but of the correctness and wisdom of the principles on which the establishment of the Protectors is founded, I am quite satisfied.

I am sorry to find that the natives in this neighbourhood are not so advanced in civilization as those in the northern parts of the island, and that so little has been done for their instruction and improvement, notwithstanding the extent of our European population.

Among the laws which ought to have been enacted before this period, are those of a declaratory or exceptional nature, in favour of the aborigines, to which you have referred. Such laws will be laid before the Legislative Council without unnecessary delay.

I shall be ready to promote the formation and maintenance of roads and improvements, as far as the means at my disposal will allow.

Funds have already been allotted towards the erection of a beacon.

Duties affecting the shore whale-fisheries shall have the fullest consideration, as well as the laws affecting commerce with the neighbouring colonies.

Allow me to thank you, gentlemen, very sincerely for your offer of suggestions on these and other points affecting the prosperity of colony. I shall avail myself gladly of such assistance; and I trust that you will always find me ready to listen willingly to the opinions of sensible and qualified persons, who have at heart the prosperity of New Zealand.

I have, &c.

(signed) *Robert FitzRoy*, Governor.

Messrs. Guyton, Revans, Ridgeway,
And other Gentlemen resident at Wellington.

Enclosure

Enclosure 5, in No. 7.

MEMORIAL from the Inhabitants of New Plymouth to Governor *Fitz Roy*.
To his Excellency Captain Robert *Fitz Roy*, R. N., Governor of New Zealand.

The Memorial of the Inhabitants of the Settlement of New Plymouth, in the district of Taranaki, New Zealand,

Showeth,

THAT your Excellency's memorialists, either under purchase of land from the New Zealand Company, or as purchasers, or cultivators of land from private parties, or dependent for employment on the cultivation of land, emigrated from England to this colony, with a guarantee of title to the land so purchased, except as against the acts of Her Majesty's Government.

That shortly after the arrival of your Excellency's memorialists here, their right to such land, so *bonâ fide* purchased from the said Company, or otherwise, was disputed by the aboriginal owners, or alleged owners thereof, who evinced in the outset the usual feeble and indecisive opposition to civilized enterprise; but which not having unfortunately received any wholesome check; and, in addition, emboldened by an imaginary protection they presume to be exclusively given to them by Her Majesty's Government, they have not only menaced, and continue to menace, by threats of violence, the location of many settlers on their land, but have, in one instance, destroyed by fire the dwelling of an European in this settlement, and have in addition very recently assembled to the number of 50, armed in different ways, to stop the New Zealand Company's servants in their prosecution of a road in this district.

That your Excellency's memorialists beg most particularly to urge on your Excellency the important fact, that the natives extend their interference to Europeans in this district desirous of settling on uncultivated, and in many instances, heavily timbered land; and also on fern land, which is never cultivated by the natives; and that, therefore, there is not the extenuating circumstance of the soil having been in possession of, or in present or contemplated future cultivation, by the native claimants.

That your Excellency's memorialists have applied to Her Majesty's representative in this settlement for assistance, to enable your memorialists to settle on their land, but to their surprise they were informed, that such aid could not be afforded them.

That your Excellency's memorialists, with all respect for and due deference to the acts of his late Excellency the Officer administering the Government, beg to state, that since the issuing by him of a proclamation, bearing date the 12th day of July 1843, and having reference to the land disputes, the natives have not only greatly increased their opposition to your Excellency's memorialists, but have also laid claim to, and in some instances seized on land, in the possession of and in cultivation by Europeans in this settlement.

That the settlement of New Plymouth, from its nature and locality, is essentially agricultural; and that as nearly the whole of your Excellency's memorialists rely on their land for subsistence, and eventual prosperity, the steady, unrestrained and increasing opposition of the natives to the cultivation of, and in many instances, to the mere location of Europeans on the land in question, is severely felt by your memorialists, whom a continuance of it will involve in inextricable ruin.

Your Excellency's memorialists, therefore, entirely resting their hopes and prospects of the future on their appeal to British protection, respectfully and earnestly request that your Excellency will devise speedy measures for the security and tranquillity of Her Majesty's subjects in this settlement, from the aborigines of the soil, who, in most instances, not only deny the right of your memorialists to the land so purchased, but openly threaten infraction of their will, with arson and other alarming crimes; endangering the perfect understanding which should be reciprocated by the two races, compromising the security of property, and even personal safety, and fatal to the interests of a people dependent on peaceful colonization, whose present and future interests are so closely interwoven with the land they are effectually forbidden to cultivate.

And your Excellency's memorialists, as in duty bound, will ever pray.

New Plymouth, 18 September 1843.

(signed) *John George Cook*, J. P.
Richard Chilman.
Josiah Flight.
And 51 others.

Encl. 5, in No. 7.

For Proclamation,
12 July 1843,
Vide Appendix to New
Zealand Committee's
Report, ordered by the
House of Commons to
be printed, 29 July 1844
No. 556, page 140.

Enclosure 6, in No. 7.

ANSWER of Governor *Fitz Roy* to the Address of the Inhabitants of New Plymouth.

Gentlemen,

Auckland, 14 March 1844.

I HAVE the honour to acknowledge the receipt, on the 11th instant, of your memorial, dated 18 September 1843, and return you my sincere thanks for your congratulations and kind expressions.

I am fully aware how vital a question is the settlement of claims to land, and I am most anxious to forward it as speedily as possible.

I have desired Mr. Commissioner Spain to proceed from Wellington to New Plymouth; and I believe that he will be accompanied by the New Zealand Company's Principal Agent, to endeavour to arrange matters in the Taranaki district, as satisfactorily as they have been arranged at Wellington.

I am aware of the opposition made by certain aboriginal natives of Taranaki, to the progress

Encl. 6, in No. 7.

gress of some of the settlers; but I have reason to fear, that the asserted purchase of much land in that neighbourhood does not rest upon sure grounds, and that the natives did not consent to our taking possession.

Recommending earnestly the exercise of forbearance, kindness and justice towards the natives; reminding you that the Government can never encourage or sanction any aggressive or unjust conduct; and assuring you of the utmost assistance and countenance that the Government has it in its power to show, while it has justice and good feeling on its side,

I have, &c.

Messrs. J. G. Cooke, R. Chilman, J. Flight,
And other Gentlemen resident at New Plymouth.

(signed) *Robert FitzRoy*,
Governor.

Enclosure 7, in No. 7.

ADDRESS from the Inhabitants of Kororarika, in the Bay of Islands, to Governor *FitzRoy*.
To His Excellency Captain *FitzRoy*, R.N., Governor, &c. &c. &c. of New Zealand.

Encl. 7, in No. 7.

Sir,

Kororarika, 9 January 1844.

WE the undersigned inhabitants of Kororarika and its vicinity, in the Bay of Islands, take the earliest opportunity afforded us after your arrival, to present to your Excellency the unfeigned expression of our respect for the person and high situation of one chosen by our beloved Sovereign as her representative in this colony, and of our loyalty to the person of that Sovereign herself.

Long and anxiously have we waited for your Excellency's arrival, to revive our exhausted energy, and to re-establish our confidence; and we feel the deepest and most sincere gratification, partly on account of what we know of your Excellency's qualities, and partly on account of our belief of the high confidence reposed in you by Her most gracious Majesty, to give life to the commercial and political, public and private condition of the colony of New Zealand.

Permit us, then, to utter our thankfulness to Almighty God for the preservation of your Excellency's person, family and suite during a long voyage, and for your safe arrival on our shores. Permit us also to offer up a fervent prayer for the blessing of Heaven upon your Excellency in every capacity, both public and private, and upon Mrs. FitzRoy and family.

We do most truly rejoice in the hope of having exercised over us a legitimate government, according to the laws, usages and constitution of our native country, a blessing of which we have been so long and painfully deprived. We hope that every institution cherished at home, as the guardian of right, will, under your Excellency's kind superintendence, be soon brought into operation for the protection and benefit, both in person and property, of all the inhabitants (native or European) of this colony, and that under your Excellency's administration justice and happiness will soon prevail among all classes of the community.

May we be permitted, at the same time, to give expression to some of those feelings, which are peculiar to us as inhabitants of this particular locality.

Long we have had to deplore the universal decay of trade, and of every department of industry in New Zealand, through a variety of most unfortunate measures and omissions of the late government. The country has become, beyond example, one general scene of anxiety, distress and ruin, so that property has lost its value, personal security has been at stake, and happiness has almost ceased to exist.

The causes of this fearful state of things have told most fearfully upon the Bay of Islands, so that by reason of them, shipping, once so numerous here, has almost entirely abandoned our port, money has nearly ceased to circulate among natives and Europeans, and internal trade has consequently disappeared; and such is the state of this place at present, that if some speedy change do not take place, Kororarika, the oldest settlement in New Zealand, and situated in the finest harbour, must soon be deserted.

Among the causes of the disastrous condition of this place stands prominent, after the general distress of the country, the unsettled state of the old land claims, and the very ambiguous suspension of native titles with regard to land. Another cause has been the imposition of duties upon a port which had always been free, which duties, either from inherent tendency or some mismanagement, have, without preventing the evil or accomplishing the good intended, effectually driven both native and European commerce from the locality; at the same time, all agricultural enterprise has been destroyed, together with the market for all sorts of produce.

Amidst a state of things so ruinous and distressing, we must confess that our last hopes have been excited by your Excellency's arrival.

We beg, therefore, most earnestly, though with the utmost respect, to press the subject of our grievances and difficulties upon your Excellency's immediate attention; for so far are we reduced, that delay will be as injurious as refusal, and restoration will become impossible.

We entreat your Excellency to adopt some speedy means, as may seem fit to your wisdom, to restore this once busy locality to some degree of prosperity.

We have, &c.

(signed) *Barzillai Quaipe*, Chairman.
Jos. Norman.
W. D. Bend.
And 54 others.

Enclosure 8, in No. 7.

ANSWER of Governor *FitzRoy* to the Address of the Inhabitants of Kororarika, in the Bay of Islands. Encl. 8, in No. 7.

Gentlemen,

Government House, Auckland, 16 January 1844.

I HAVE received your loyal and very gratifying address, and assure you, that the earnest expressions it contains have caused me much serious reflection, as well as personal gratification.

I hope and pray that your expectations may not be so much disappointed, as, if I trusted to my own limited efforts and abilities, I should feel, must be the case.

The state of general depression, and the prevalence of anxiety and distress at the Bay of Islands, as well as elsewhere, are indeed most painful; but if we all exert ourselves in our several stations, and act energetically as well as honestly, a better prospect may, by God's blessing, be brought into view.

To the unsettled state of the land claims my earnest attention is directed. No pains shall be spared to bring about a termination to the present state of uncertainty.

Arrangements are already made, and measures are in course of execution, with this great object in view; but under any arrangement, time must still elapse before many of the grants can be issued.

That I will use every means in my power to bring about improvement in your immediate locality, as well as in New Zealand generally, I earnestly assure you.

I have, &c.

(signed) *Robt. FitzRoy*,
Governor.

To Messrs. Quaife, Norman, Bend,
and other Gentlemen resident at Kororarika.

— No. 8.—

(No. 23.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

My Lord,

Government House, Auckland, 20 August 1844.

No. 8.

I HAVE the honour of transmitting to your Lordship, a copy of the Minutes of the proceedings of the Legislative Council during the third Session, recently concluded. Governor *FitzRoy* to Lord *Stanley*. 20 August 1844.

I am desirous to send these minutes as soon as possible; although they cannot now be accompanied by certain protests, and remarks on those protests, which shall be forwarded without avoidable delay.

I have, &c.

(signed) *Robt. FitzRoy*, Governor.

Enclosure in No. 8.

MINUTES and PROCEEDINGS of the LEGISLATIVE COUNCIL of *New Zealand*,
Third Session, 1844.

Encl. in No. 8.

MEMBERS of the Legislative Council, Third Session, 1844.

From Tuesday 9th January, to Saturday 13th January.

HIS EXCELLENCY THE GOVERNOR.

The COLONIAL SECRETARY.
The ATTORNEY-GENERAL.
The COLONIAL TREASURER.

JAMES REDDIE CLENDON, Esq.
WILLIAM FIELD PORTER, Esq.

From Tuesday 14th May to close of Session.

HIS EXCELLENCY THE GOVERNOR,

The COLONIAL SECRETARY.
The ATTORNEY-GENERAL.
The COLONIAL TREASURER.

CHARLES CLIFFORD, Esq.
WILLIAM BROWN, Esq.
S. M. D. MARTIN, Esq., M. D.

Tuesday, 9 January 1844.

Present.—His Excellency Robert FitzRoy, Governor; the Honourable Andrew Sinclair, Colonial Secretary; the Honourable William Swainson, Attorney-general; the Honourable Alexander Shepherd, Colonial Treasurer; William Field Porter, Esq.; and James Reddie Clendon, Esq.

THE Council met pursuant to summons.

His Excellency the Governor took the chair.

James Reddie Clendon, Esq., took the necessary oaths and his seat.

His Excellency the Governor then read the following address.

“Gentlemen,

“Council Chamber, 9 January 1844.

“In requesting your attendance so soon after my arrival in New Zealand, and for so limited a time as may be required for deliberating on three measures only, I am urged by the necessity of the case.

“A long interval has elapsed since the lamented decease of your late respected Governor; a distinguished officer and good man, whose name stood deservedly high, and whose anxious interest in New Zealand unquestionably caused that early termination of his earthly career which all his friends deplore.

“In consequence of the disallowance by Her Majesty of the Supreme Court Ordinance, no time should be lost in effecting the necessary alterations, and making provision for additional judges. The Jury Ordinance has also expired; and, as without such important Ordinances, much evil might arise, it became absolutely necessary to call you together to discuss and decide on new measures.

“This opportunity may be taken advantage of to amend slightly the Land Claims’ Ordinance, by making the acts of a single commissioner as legal, and in all respects as effectual, as those of two commissioners. Beyond these important measures, however, no further steps in legislation can be taken at present.

“The late melancholy and fatal catastrophe at Wairau, has made it imperatively necessary that I should repair immediately to Cook’s Strait, to inquire fully into all the circumstances of that most lamentable event, and then to act as may be necessary. If, on the one hand, the conduct of the magistrate, Mr. Thompson, of my lamented friend Captain Wakefield, and those who were with them, should be proved to have been correct and justifiable, the supremacy of the law must be vindicated, and deliberate justice take its sure, however slow, course. The power of Great Britain is irresistible in a just cause! But if, on the other hand, our countrymen were to blame, if their lives were forfeited in consequence of their own misguided or rash conduct, it would be highly unjust and unwise in me to act hostilely towards the natives who, during their paroxysm of indignation, savagely slaughtered our friends.

“Disputed claims to land, the cause of this deplored loss of valuable life, and indeed of almost every quarrel in New Zealand, shall be attended to zealously and earnestly, with the most anxious hope and, I would say, confident trust, that much of the existing dissatisfaction and distress may soon be removed.

“Surveyors will be forthwith employed in tracing and accurately describing in writing the hitherto undefined boundaries of lands, in order that all grants from the Crown may be delivered speedily; and in all cases the interests of early settlers, and those of the aborigines, will be fully considered.

“Without a cordial and confident intercourse between the races in New Zealand, no prosperity can be permanent. The future welfare of this magnificent country depends on mutual good will, which can only be maintained by true christian conduct.

“In the Jury Bill which will be laid before you, there is a clause intended to prepare the way for an important step, that of admitting qualified aboriginal natives to sit as jurors. Unquestionably they should acquire by degrees as many of the privileges and rights of British subjects as they may be capable of exercising and enjoying, without detriment.

“At my return from Cook’s Strait I shall again ask for your attendance in the Legislative Council, and shall lay before you some measures of great importance to this country.

“Among these measures will be declaratory or exceptional laws, in favour of the aborigines and their descendants; an arrangement for guardedly authorizing some of the native chiefs to act in a qualified manner as magistrates in their own tribes, and for granting them small salaries; and a mode by which the Crown’s right of pre-emption may, in some cases, be waived, to the mutual interest of the aboriginal inhabitants, as well as the settlers, not only without prejudice to the public welfare, but in a manner calculated to promote general prosperity.

“The diminution of Customs’ duties, of port charges and pilotage, with a view to their ultimate removal, will be brought under your consideration; but a change of such magnitude as this must depend mainly on the revenue raised by other means, in lieu of that received under the existing system, and must be submitted to Her Majesty prior to being acted on.

“Moderate land taxation, low taxes on houses, excepting those of a very small size, higher licenses for the sale of wines and spirits, duties on horses, cattle and dogs, fees on the transfer of real property, on surveys and Crown grants, are means by which an adequate revenue may be raised while enjoying the advantages of unrestricted commerce in free ports.

“These

" These measures, and the alteration of others disallowed, will call for much time and attention, which I am confident you will give cheerfully.

" I will now, gentlemen, humbly but earnestly ask for the blessing of God upon our honest exertions for the public welfare, and proceed to lay before you a Bill for establishing Supreme Courts in New Zealand."

His Excellency then laid on the table, " a Bill for Establishing a Supreme Court."

Moved by the honourable the Attorney-general, seconded by Mr. Clendon, " That the said Bill be read a first time;" Bill read accordingly.

On motion of the honourable the Colonial Secretary, ordered, " That the ^{sta}nding rules be suspended."

Moved by the honourable the Attorney-general, seconded by Mr. Porter, " That the ' Bill for establishing a Supreme Court,' be now read a second time;" Bill read a second time accordingly.

On motion of the honourable the Attorney-general, ordered, " That the said Bill be considered in committee on Thursday the 11th January."

His Excellency the Governor laid on the table, " a Bill to make temporary provision for the constitution of Juries."

Moved by the honourable the Attorney-general, seconded by the honourable the Colonial Treasurer, " That the said Bill be read a first time;" Bill read accordingly.

Moved by the honourable the Attorney-general, seconded by the honourable the Colonial Treasurer, " That the said Bill be now read a second time;" Bill read accordingly.

Mr. Porter presented a petition from certain of the inhabitants, praying that certain amendments might be introduced into the said Bill. Petition read, and ordered to be printed.

" To his Excellency *Robert Fitz Roy*, Esquire, Governor of New Zealand,
in Legislative Council assembled.

" May it please Your Excellency,

" We, the undersigned, merchants and others residing in Auckland, in reference to the Jury Court Bill about to be introduced to the honourable the Legislative Council, would respectfully beg leave to suggest the expediency of introducing a clause giving power to enrol special jurymen, for the purpose of trying such cases of difficulty or importance as may come before the court, the want of which hitherto has been felt as a great evil; so much so, that it is well known that the result of cases of this description is looked upon more as a matter of chance than of sound judgment and discretion. This state of things, besides being injurious to the public interests, is not less so to the legal profession, in so far as no amount of care in preparing cases for trial, or knowledge of the general principles of law, can ensure success, or warrant a favourable anticipation of the result.

" The want of special jurymen is not more felt in actual practice than it is in theory, for the purpose of carrying out and applying the general principles of evidence. While it is intended that mere matters of fact alone shall be tried by jury, yet it is well known that in practice there are generally more or less questions of law mixed up with the question of fact, requiring for their sound determination, not only an intellect well trained to thinking in general, but possessed of a large amount of knowledge of commerce generally, but of the practice of merchants or men of business in particular. While every man may have a conscious or innate sense of justice, with sufficient intellect to discover the truth or falsehood of simple matters of fact, such as generally come before criminal tribunals, yet there is another class of cases, those which chiefly come before the civil courts, where the real question going before the jury is, whether or not a certain sum of money ought, or ought not, to be paid to the plaintiff; the determination of which, in addition to the usual sense of justice, requires an amount of general knowledge, as well as power of intellect, such as few people only are possessed of. For the proper determination therefore of such cases, we think special jurymen are absolutely indispensable; and hope that in the Bill now before Council, proper provision may be made for the same.

" We would further suggest the expediency of considering whether it would not be advisable to alter the law relating to juries, so far as to make the agreement of three-fourths of their number sufficient, in place of the unanimous opinion of the 12 jurymen, which, under the present practice is demanded. Such an alteration, while it fully ensures the ends of justice, would even have a tendency to induce unanimity; as where this is indispensable, each individual jurymen feels that he has the power, if he chooses, of rendering nugatory the opinions of the other 11; and self-importance, interested motives, or obstinacy alone, may prevent him from retracting any opinion once expressed by him; but if the agreement of three-fourths were held sufficient, no single individual could deem his own opinion of such paramount importance, and therefore much facility for unanimity would be afforded, and much labour, time and annoyance would thus be spared in the hopeless endeavour to convince one man against his wishes or his pertinacity, while the ends of justice would at the same time be equally if not better attained; we say better, because cases have already occurred, and may again occur, where one jurymen may prevent any decision being come to, to the great pecuniary loss perhaps of both parties, and to the certain injury, at least, of one of them.

" We are, may it please your Excellency,
your Excellency's most obedient servants,
(signed) *Wm. Brown*, and thirteen others.

On motion of the honourable the Attorney-general, it was ordered, "That the said Bill be considered in committee, on Thursday, the 11th instant."

His Excellency the Governor laid on the table, "A Bill to amend the Land Claims' Ordinance, Session 1, No. 2."

Moved by the honourable the Attorney-general; seconded by Mr. Porter—"That the said Bill be read a first time." Bill read accordingly.

Moved by the honourable the Attorney-general; seconded by the honourable the Colonial Treasurer—"That the said Bill be now read a second time."

On motion of the honourable the Attorney-general, it was ordered—"That the said Bill be considered in Committee on Thursday, the 11th instant."

On motion of the honourable the Colonial Secretary—"Council adjourned until 12 o'clock on Thursday, the 11th January 1844."

Thursday, 11 January 1844.

Present.—His Excellency the Governor and Five Members.

THE Council met pursuant to adjournment. The minutes of the last meeting read and confirmed.

On motion of the honourable the Colonial Secretary—"Standing Rules suspended."

Moved by the honourable the Attorney-general; seconded by the honourable the Colonial Secretary—"That Council do go into committee on the 'Bill for establishing a Supreme Court.'"

Clauses 1 to 4 read, and agreed to.

Moved by the honourable the Attorney-general; seconded by the honourable the Colonial Secretary—"That the 5th clause be amended as follows: in 2d line of said clause, erase the word 'keepers,' and insert the word 'committees.'" Clause, as amended, read, and agreed to.

Clauses 6, 7 and 8, read, and agreed to.

Moved by the honourable the Attorney-general; seconded by the honourable the Colonial Treasurer—"That the 9th clause be amended, by striking out the whole of the 9th clause and inserting the following:—'The Court shall have and use a seal, wherewith all writs and other process issuing out of the Court shall be sealed.'"

Clause 10, read, and agreed to.

Moved by the honourable the Attorney-general; seconded by Mr. Porter—"That clause 11 be amended, by erasing the word 'in,' after the word 'oath,' in first line of said clause, and inserting the words 'according to;,' also by erasing the word 'of,' at the end of same line, and inserting the word 'in.'" Clause, as amended, read, and agreed to.

Clause 12 read, and agreed to.

Moved by the honourable the Attorney-general; seconded by Mr. Porter—"That clause 13 be amended as follows: after the word 'officers,' in first line of said clause, insert the words 'for each of such districts;,' after the word 'the,' in the second line of said clause, insert the words 'judge or;,' also, erase the word 'respectively,' in said clause, and insert 'of each such district;,' also at the end of said clause insert the words 'subject to the approval of his Excellency the Governor.'" Clause, as amended, read, and agreed to.

Clause 14, read and agreed to.

His Excellency the Governor laid on the table a despatch from Lord Stanley (No. 6, 31st January, 1843), on the subject of the disallowance of the former "Supreme Court Ordinance," which was read by the clerk.

Moved by the honourable the Attorney-general; seconded by the honourable the Colonial Secretary—"Clause 15 struck out, and the following inserted in place thereof:—'The inferior officers of each district shall be appointed by the judge or judges of the respective districts, with the sanction of his Excellency the Governor, and shall be removable on reasonable cause, by the judge or judges of the respective districts, with the sanction of his Excellency the Governor.'" Clause, as altered, read, and agreed to.

Moved by the honourable the Attorney-general, seconded by the honourable the Colonial Secretary—"That the 16th clause be amended, by adding at the end of said clause the words 'whenever and wheresoever the same may have arisen.'" Clause, as amended, read, and agreed to.

Clauses 17 and 18, read, and agreed to.

Moved by the honourable the Attorney-general, seconded by Mr. Porter—"That the 19th clause be amended as follows: at commencement of clause erase the words 'the sheriff,' and insert 'each sheriff;,' also insert after the word 'upon,' in first line of said clause, the word 'his;,' also erase the word 'in,' after the word 'judge.' In the second line of said clause insert 'according to;,' also erase the word 'their,' in the last line of said clause, and insert the word 'his.'" Clause, as amended, read, and agreed to.

Moved by the honourable the Attorney-general, seconded by the honourable the Colonial Treasurer—"That clause 20 be amended as follows:—Strike out the words 'the sheriff' at commencement of clause, and insert the words 'each sheriff;,' also erase the word 'bear,' in the same line, and insert the word 'have;,' also erase the word 'of' at end of said clause, and insert the word 'at.'" Clause, as amended, read, and agreed to.

Clauses 21, 22 and 23 read, and agreed to.

Moved by the honourable the Attorney-general, seconded by the honourable the Colonial Treasurer—"That clause 24 be amended as follows:—Erase all words after the word 'court,'"

'court,' in the 4th line of said clause, to the word 'court' in the 6th line, and insert the words 'or removed thereto for trial out of any other district, by virtue of any general rule of the Supreme Court.' " Clause, as amended, read, and agreed to.

Moved by the honourable the Attorney-general, seconded by the honourable the Colonial Secretary—"That the 25th and 26th clauses be joined together, and that the same be also amended by inserting after the word 'contained' in the 8th line of said clause, the words 'provided also that the said.' " Clause, as amended, read, and agreed to.

Moved by the honourable the Attorney-general, seconded by Mr. Porter—"That clause 26 (originally clause 27), be amended by inserting in the second line, after the words 'accounted for,' the words 'and paid over;' also by erasing the words 'to be chargeable,' in the third line of said clause, and insert the words 'which shall be charged.' " Clause, as amended, read, and agreed to.

Clause 27 (originally clause 28), read, and agreed to.

Moved by the honourable the Attorney-general, seconded by Mr. Porter—"That the Schedule be amended by inserting the words 'Chief Justice or,' before the words 'judge of the Supreme Court.' " Schedule, as amended, read, and agreed to.

On motion of the honourable the Attorney-general, ordered, "That the said Bill be engrossed."

Moved by the honourable the Attorney-general, seconded by the honourable the Colonial Secretary—"That the Bill be read a third time on Saturday, the 13th instant."

The honourable the Attorney-general moved the order of the day—"That Council go into committee on the 'Bill for making temporary Provision for the Constitution of Juries.'"

Moved by the honourable the Attorney-general, seconded by Mr. Clendon—"That the title be amended by inserting the word 'amendment' after the word 'jury.' "

Moved by the honourable the Attorney-general, seconded by Mr. Porter—"That clause 1, be amended as follows:—Erase the words 'man being a natural born subject of Her Majesty,' and insert the words 'man being a British subject, and not an aboriginal native of New Zealand;' also insert the word 'aboriginal' before the word 'native,' in the 4th line of the same clause." Clause, as amended, read and agreed to.

Clauses 2, 3, 4 and 5, read, and agreed to.

Moved by the honourable the Attorney-general, seconded by the honourable the Colonial Treasurer—"That the following additional clause be inserted:—'Clause 6. It shall be lawful for the judge of the Supreme Court, from time to time, to make rules for the formation of special jury lists for the several districts or counties of the colony, or any of them, and for the striking of special juries. The rules to be made shall be subject to such approval, and shall have the same force and effect, as the general rules to be from time to time made under the authority of the Supreme Court Ordinance.' " Additional clause read, and agreed to.

Moved by the honourable the Attorney-general, seconded by Mr. Porter—"That 7th clause (originally 6th clause) be amended as follows:—erase the word 'whereupon' in the 9th line, and insert the words 'at which time.' " Clause, as amended, read, and agreed to.

On motion of the honourable the Attorney-general—"Bill ordered to be engrossed."

Moved by the honourable the Attorney-general; seconded by the honourable the Colonial Secretary—"That the said Bill be read a third time on Saturday, the 13th January."

The honourable the Attorney-general moved the order of the day—"For considering in Committee the Bill for amending the Land Claims' Ordinance."

Moved by the honourable the Attorney-general; seconded by the honourable the Colonial Secretary—"That the reading of the Preamble be postponed, to enable Mr. Porter to submit an amendment."

Moved by Mr. Porter, seconded by Mr. Clendon—"That the following clause be added: 'That the provisions of the said recited Ordinance, restricting the Commissioners from recommending a grant of more than 2,560 acres, be repealed.'"

A debate thereupon ensued, and upon the explanation offered by his Excellency the Governor, Mr. Porter requested permission to withdraw the amendment.

Clauses 1 and 2 read, and agreed to.

On motion of the honourable the Attorney-general, the Preamble was read, and agreed to.

Moved by the honourable the Attorney-general—"That the said Bill be engrossed."

Moved by the honourable the Attorney-general, and seconded by the honourable the Colonial Treasurer—"That the said Bill be read a third time on Saturday, the 13th January."

On motion of the honourable the Colonial Secretary—"The Council adjourned to 12 o'clock on Saturday, 13th January 1844."

Saturday, 13 January 1844.

Present—His Excellency the Governor and five Members.

THE Council met pursuant to adjournment.

The minutes of the last meeting were read and confirmed.

The honourable the Attorney-general moved the order of the day—"That the Bill for establishing a Supreme Court be read a third time."

Bill read accordingly.

Moved by the honourable the Attorney-general; seconded by the honourable the Colonial Treasurer—"That the said Bill do pass."

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Moved by the honourable the Attorney-general; seconded by the honourable the Colonial Treasurer—"That the title of said Bill be 'An Ordinance for establishing a Supreme Court.'"

Moved by the honourable the Attorney-general; seconded by the honourable the Colonial Secretary—"That the 'Jury Amendment Bill' be read a third time."

Bill read accordingly.

Moved by the honourable the Attorney-general; seconded by Mr. Porter—"That the said Bill do pass."

Moved by the honourable the Attorney-general; seconded by Mr. Clendon—"That the title of said Bill be 'Jury Amendment Ordinance.'"

Moved by the honourable the Attorney-general; seconded by the honourable the Colonial Treasurer—"That the 'Land Claims' Amendment Bill' be read a third time."

Bill read accordingly.

Moved by the honourable the Attorney-general; seconded by Mr. Clendon—"That the said Bill do pass."

Moved by the honourable the Attorney-general; seconded by Mr. Porter—"That the title of said Bill be 'Land Claims' Amendment Ordinance.'"

[The Council adjourned to Tuesday, 9th April 1844.]

Tuesday, 14 May 1844.

Present.—His Excellency Robert Fitzroy, Governor; the honourable Andrew Sinclair, Colonial Secretary; the honourable William Swainson, Attorney-general; the honourable Alexander Shepherd, Colonial Treasurer; Charles Clifford, Esquire; William Brown, Esquire; and Samuel M. D. Martin, Esquire.

THE Council met pursuant to adjournment.

The minutes of the last meeting were read, and confirmed.

His Excellency the Governor having informed the Council that he had on the previous day administered the oaths to the newly appointed members, then delivered the following address—

" Gentlemen,

" Council Room, 14 May 1844.

" Although this third session of the Legislative Council of New Zealand has been already formally opened, and we are now meeting after only a temporary adjournment, I think that a few words by way of introduction to the measures I have to lay before you, may not be out of place.

" But before I speak of those measures, allow me to take this opportunity of offering you my congratulations, and of expressing my satisfaction at having the benefit of the able assistance and local experience of three honourable members who compose the non-official portion of the Council.

" In the presence of those gentlemen, we have the advantage of as near an approach to the bulwark of British liberty, popular representation, as the circumstances of this young and dependent colony will allow; and I feel confident that they will not only examine, but zealously scrutinize every question brought before them, and will diligently strive to promote the general welfare of New Zealand.

" It will be advisable to commence our duties by revising the Rules of Council, in order to promote the regularity, order and despatch of our proceedings, while we carefully preserve freedom of discussion.

" These rules having been agreed upon and deliberately confirmed, I shall propose to lay before you a Bill for authorizing the issue of debentures to the amount of not more than 15,000*l.*, and for making such debentures a legal tender.

" This measure I am induced to propose, in order to save the colony from the extreme distress, if not utter ruin which must inevitably follow such a want of any circulating medium as has been recently threatened. For the means of repayment of these debentures, I have confidence in the resources of this healthy, productive and rich country, and I have confidence in the assistance of Her Majesty the Queen's Government.

" In New Zealand, while each succeeding year brings a greatly increased production of the surface of the earth; I may well say that each succeeding year also develops additional mineral treasures.

" To provisions, corn, flax, timber, oil, wool, hides and beer, I look for returns for industry and capital employed on the surface of this territory; and to copper, manganese, nickel, lead, sulphur, rock-salt, iron, coal, marble and limestone, I point in reply to those hesitating capitalists who inquire, where are the exports of New Zealand?

" With such resources, and such assistance to depend upon, I am not dismayed by our present difficulties, great as they undoubtedly are; and with your assistance, I trust to be enabled to overcome them.

" By issuing debentures, and by making them a legal tender, the present crisis may be passed without disaster, and the road kept open to a prosperous future.

" Statements of the liabilities and assets, and of the probable ways and means of the colony, will be laid before you, at the same time with a Bill for appropriating the revenue; and I will then bring forward three separate Bills, for imposing taxes on land, houses and dogs.

" These financial measures, which require to be brought into immediate operation, will take

take precedence of others. Two amendments of the Customs Ordinance will be laid before you separately, one for immediate operation, the other to await Her Majesty's confirmation.

"In this latter will be included proposed duties on imported cattle, and alterations in the duties on spirits.

"I am desirous of bringing about gradually a system of direct taxation, of the least troublesome or vexatious character, of the least difficulty and expense with regard to collection, the least liable to be avoided, and affecting the poorer classes as little as possible.

"Some such general contribution is indispensable for the maintenance of an efficient government, and I trust that the details of the measures to be proposed will be such as to obviate many of the objections which are generally raised against direct taxes.

"By such a system, we may hope to bring about free trade. Probably no country was ever better suited than New Zealand for unrestricted commerce, or less adapted for an expensive, although unavoidably inefficient custom-house establishment. I need only allude to her three thousand miles of coast line, and numerous harbours, to explain my meaning.

"You will find by the estimate to be laid before you, that it is proposed to reduce the annual expenses of the present establishment, by a sum of about 10,000*l.*, the largest reduction which it appears to me prudent to attempt.

"In effecting this alteration, chiefly under the heads of police, surveys and works, I lament the necessity of interfering with many officers' salaries. This is indeed a painful task; but the public credit, and the exigency of the case, demand that such a measure should be taken.

"Should a further reduction be found indispensable, it must be made, I believe, by a general per-centage on all salaries; the number of officers employed being as few as can possibly execute the various and increasing duties of this colony efficiently.

"I rely with confidence on assistance, to a reasonable extent, from our mother country; but we must not on that account fail to use every means in our power, and make every possible exertion to help ourselves, and gradually improve our own pecuniary resources.

"I will now, lest I should be tedious, glance but hastily over the list of measures awaiting your consideration (important though they be), remarking only in this place that upon the measures already mentioned, and upon those affecting the present and future state of the general population of New Zealand, as to instruction and mutual disposition, all others are mainly dependent.

"I shall have to lay on the table a Bill for establishing courts of requests, for the speedy recovery of debts not exceeding twenty pounds (20*l.*); and for repealing the County Court Ordinance.

"A Bill for the relief of persons imprisoned for debt, who have become indebted without any fraud, or gross or culpable negligence, by releasing the persons of such debtors, without exonerating their estates from liability.

"A Bill for constituting the Governor, the Bishop, the Attorney-general, the principal Land Commissioner, and the Chief Protector of Aborigines, for the time being, a Board of Trustees, for the management of property to be set apart for the education and benefit of the native race.

"A Bill providing for the establishment and regulation of municipal corporations; enabling the Governor to declare any settlement, of which the population shall exceed 2,000 souls, to be a borough; and declaring the trust of any land that may be conveyed to the mayor, aldermen and burgesses of any borough for the benefit thereof.

"A Bill to amend the Customs Ordinance; the principal alterations being that the duty on unmanufactured tobacco should be lowered to three-pence per pound; that on manufactured tobacco (except cigars and snuff), to four-pence per pound, and on cigars and snuff to one shilling per pound; also that all differential duties in favour of any particular British colonies should be abolished.

"A Bill for repealing the "Ordinance prohibiting the Distillation of Spirits within the Colony of New Zealand:"

"A Bill for amending the "Cattle Trespass Ordinance," by providing for the summary recovery of compensation for damages done by animals trespassing on land, whether fenced or not fenced:

"A Bill for amending the "Harbour Regulations Ordinance," by providing that all regulations made by the Governor in Council, under the authority of such Ordinance, be submitted to Her Majesty for confirmation:

"A Bill for amending the "Conveyancing Ordinance," by providing that deeds and wills executed out of the colony, may be received in evidence, provided that they be verified by affirmation in accordance with the provisions of Will. 4. c. 62.

"A Bill for Amending the New Zealand Banking Company's Ordinance, by making it permissive, instead of obligatory, to carry on legal proceedings by or against the said Company in the name of the manager:

"A Bill for the Naturalization of certain Germans:

"A Bill for the admission of Unsworn Testimony in certain cases:

"A Bill authorizing the Supreme Court to hear appeals from the decision of Justices of the Peace, in certain cases:

"A Bill for declaring that in particular cases (*inter se*) the aboriginal natives of New Zealand shall not be amenable to the law of England:

"A Bill for amending "An Ordinance for Licensing Auctioneers," by repealing the duties of goods sold by auction, and imposing a higher payment for annual licenses:

" A Bill for imposing an annual tax of two-pence per acre on country land, cultivated or wild, of which grants have been made by the Crown, or to which a valid claim has been proved, and for which a Crown grant has been ordered to be prepared, and is ready for issue on demand :

" Also on all houses containing more than three rooms (exclusive of garrets, outhouses, and closets) at the rate of 1*l.* for each room above that number, excepting only Government offices :

" Also on dogs not belonging to the aboriginal natives, at the rate of 10*s.* for each dog, kept during any part of the year, excepting only puppies, and one dog for any one house. Included in one of the Customs amendments will be a tax on animals imported into the colony, at a rate of 1*l.* 10*s.* for each horse, 10*s.* for each head of neat cattle, 5*s.* for each mule, 2*s.* for each ass, and 1*s.* for each sheep :

" And for authorising and requiring the police magistrates and collectors of Customs to levy, collect and pay over to the Colonial Treasury, the several taxes and duties above mentioned :

" A Bill for appropriating the Revenue of the Colony to certain specific purposes :

" And a Bill for facilitating proceedings by and against a certain Joint Stock Company, called the " Union Bank of Australia."

" I very much regret that the substance of these measures should not have been published in sufficient time to enable the residents at Wellington and other parts of the colony to become acquainted with their nature. Circumstances of which you are well aware, prevented the possibility of my doing so this year, but in future, it will be my endeavour, if I am permitted, to give at least three months' notice of every Bill which it may be intended to lay before the Legislative Council.

" Before I sit down, allow me to express an earnest desire and confident hope, that every member of this Council will keep in view the grave responsibility of his duties, and will remember his right to freedom of debate, and to discussion unrestrained, except by the rules we are about to consider.

" And now, gentlemen, humbly trusting that a blessing may rest on our honest exertions for the public good, I will propose to you that we should commence our duties by examining, and if necessary, revising the Rules of Council, which I here lay on the table."

The Council were then engaged in revising the Rules, and after a prolonged discussion, the following were agreed to :—

1. That if four members, exclusive of the Governor, be not present, 30 minutes after the appointed hour of meeting, the clerk shall report the circumstance to the presiding member, who may then adjourn the Council.

2. In the absence of the Governor, the senior member of the Council then present shall preside.

3. That the President shall decide disputed points of order.

4. That the President shall put all questions, and declare the sense of the Council thereon.

5. That if two or more members offer to speak at the same time, the President shall call on the member who, in his opinion, first rose to address the Council.

6. That it shall be competent for any member to divide the Council upon any Bill or question.

7. Every member shall stand while speaking, and shall address the President.

8. That an adjournment of the discussion of any question may at any time be moved, and may be adopted or not by the majority.

Bills.

9. That all Bills be laid on the table by the Governor.

10. That except in cases of emergency, each member of Council be furnished with a copy of each Bill, at least one day prior to the Bill being read a first time.

11. That on the motion being carried for the first reading of any Bill, the clerk do read the whole Bill.

12. That upon the second reading of a Bill being moved, any member shall be at liberty to address the Council on its general principles, and that at the second reading of every Bill, the title only shall be read. The question shall then be put that the Bill be read a second time, when any member shall be at liberty to give notice of an amendment of such Bill, and if any amendment be proposed, such Bill shall not be discussed on the same day, but its several provisions, and any proposed amendments, shall be discussed at the time appointed by the Council.

13. That when the several provisions of the Bill have been discussed, further deliberation thereon shall be deferred to some further time, to be then appointed, at which time the amendments in the order and form in which they shall have been adopted, shall be read *seriatim*, and it shall be competent for any member to move any alteration in such draft, if he shall be of opinion that it does not fully convey the sense and meaning of the original amendment; and if adopted, such amendments shall be considered parts of the original Bill, which shall then be engrossed.

14. That at the third reading, the whole Bill, with the Titles and Schedules thereto, if any, shall be read.

15. That every Bill when passed, be styled " An Ordinance."

16. That

16. That upon cases of emergency, and also in cases where no amendment whatever be proposed, it may be moved that the standing rules relative to the reading of a Bill be suspended, and if adopted, it may be carried through the several stages at one sitting.

17. That the standing rules shall not be suspended, except with the consent of all the members present.

Clerk.

18. That the clerk shall keep a minute book, in which shall be entered and numbered in succession the subjects brought under discussion at each sitting, and how each member shall have voted in any division.

Petitions.

19. Petitions may be presented to the Governor, or presiding member, by any member immediately after the reading of the minutes of the preceding day.

20. It shall be competent for any member to move that such petition be then read.

21. In cases of Private Bills, or in any cases where individual rights or interests may be peculiarly affected, any party concerned may be heard, either personally or by counsel.

22. Private Bills will not be discussed by the Council unless printed.

23. The Council will meet on Tuesdays, Thursdays and Saturdays, at 11 o'clock.

[The Council then adjourned until 11 o'clock on Thursday the 16th May 1844.]

Thursday, 16 May 1844.

Present.—His Excellency the Governor and all the Members.

THE Council met pursuant to adjournment.

The Minutes of the last meeting were read, and after being corrected, were confirmed.

His Excellency stated that he would now lay on the table "A Bill for authorizing the Governor to issue Debentures, and to make the same a legal Tender."

The Colonial Treasurer moved—"That the said Bill be read a first time."

Bill read a first time accordingly.

The Colonial Treasurer then gave notice that after the reading of the other Bills about to be laid on the table, he would move—"That the Standing Rules be suspended, and the Debentures' Bill be read a second time this day."

His Excellency the Governor having put the question, after considerable discussion the Council divided—

Ayes, 6 :—The Governor,
The Colonial Secretary,
The Attorney-general,
The Colonial Treasurer,
Mr. Clifford,
Dr. Martin.

No, 1 :—Mr. Brown.

Mr. Brown not consenting to the Standing Rules being suspended, the question was consequently lost.

His Excellency then stated, that in consequence of the last vote he would now propose—"That before proceeding to any further business the Council do take into consideration the revision of the Rules of Council."

Carried unanimously.

His Excellency then proposed—"That the 17th Rule be altered by erasing the words 'except with the consent of all the Members present,' and inserting in the place thereof the words 'if two Members present object to such suspension.'"

Which alteration was agreed to.

His Excellency then put the question—"That the title of the Rules should be the 'Standing Rules and Orders,' and that the same as altered be adopted."

Which was agreed to.

His Excellency here remarked, that he had intended to lay before the Council to-day, a statement of the liabilities and assets, and of the probable ways and means of the colony, together with a Bill for appropriating the revenue, and three separate Bills for imposing taxes on land, houses and dogs, but as some further arrangements were necessary to complete these measures, he would postpone their introduction until Tuesday next the 21st instant.

His Excellency then laid upon the table "A Bill for establishing Courts of Requests for the more easy and speedy recovery of Small Debts."

The Colonial Secretary moved—"That the said Bill be read a first time."

Bill read a first time accordingly.

On motion of the Attorney-general, it was ordered—"That the said Bill be read a second time on Saturday the 18th instant."

His Excellency laid on the table "A Bill for the Relief of Persons imprisoned for Debt."

The Colonial Secretary moved—"That the said Bill be read a first time."

Bill read a first time accordingly.

On motion of the Attorney-general, it was ordered—"That the said Bill be read a second time on Saturday the 18th instant."

His Excellency then proposed—"That no new measures be introduced for the consideration of the Council after Three o'clock on each day of sitting."

Which was agreed to.

The Colonial Treasurer then moved, according to notice—"That the Standing Rules and Orders be suspended, and that the Bill to authorize the Governor of New Zealand to issue Debentures, and to make the same a legal tender, be read a second time."

The question being put by the Governor, that the said Bill be now read a second time, after a considerable discussion, the Council divided thereon:

Ayes, 6 :—The Governor,
The Colonial Secretary,
The Attorney-general,
The Colonial Treasurer,
Mr. Clifford,
Dr. Martin.

No, 1 :—Mr. Brown.

His Excellency then proposed that the Bill be now considered clause by clause.

Clause 1st read, and unanimously agreed to.

Clause 2d having been read, and the question being put, that said clause, as printed, do stand part of the Bill, the Council divided :—

Ayes, 6 :—The Governor,
The Colonial Secretary,
The Attorney-general,
The Colonial Treasurer,
Mr. Clifford,
Dr. Martin.

No, 1 :—Mr. Brown.

The Preamble being read, the question was put by his Excellency, that the same as printed, do stand part of the Bill. Council divided thereon :—

Ayes, 6 :—The Governor,
The Colonial Secretary,
The Attorney-general,
The Colonial Treasurer,
Mr. Clifford,
Dr. Martin.

No, 1 :—Mr. Brown.

On the Schedule being read, the honourable the Attorney-general moved, "That the same be amended, as follows: erase the figures '£.100,' and insert in brackets ('amount in figures'); erase the words 'one hundred pounds,' and insert in brackets ('amount in words'); also erase the words 'one hundred pounds,' in the body of the Schedule, and insert in brackets ('amount in words'); erase the words 'one hundred pounds,' in 7th line of Schedule, and insert in brackets ('amount in words'); also the words 'one hundred and five pounds,' in 8th line, insert in brackets ('amount in words')."

Which was unanimously agreed to.

His Excellency then proposed, "That the further consideration of the Schedule be postponed until Saturday the 18th instant."

Which was agreed to.

[The Council adjourned until 11 o'clock on Saturday the 18th May 1844.]

Saturday, 18 May 1844.

Present.—All the Members.

THE Council met, pursuant to adjournment.

The Minutes of the last meeting were read and confirmed.

His Excellency proposed, before proceeding with the business of the day, that the 11th Rule be amended, by adding after the words "whole Bill," at the end of the rule, the words, "during which reading notices of amendments may be given;" also, that at the end of the 9th Rule, the following words be added, "who will give at least two days' notice of the first reading of each Bill;" also, that the words "one day," in the second line of the 10th Rule be erased, and the words "two days" be inserted; also, that the 12th Rule be amended, by erasing the words "shall be at liberty to," and inserting the word "may," in the second line; also, by erasing the remainder of the clause after the word "principles," in third line, and inserting, "and that during such second reading the details shall be discussed, after which the Bill shall be engrossed;" also, erase 13th Rule.

On the motion of the Attorney-general, it was ordered,—“That the foregoing Rules be added to the Rules already agreed to; and that the same be printed and laid on the table, on Tuesday next.”

Dr. Martin gave notice, that on Saturday, the 25th instant, he would move resolutions on the following subjects :—

1. On Emigration: generally; the best means of promoting the same, with special regard to the Wakefield system.
2. On the Customs' establishment.

3. On

3. On the condition of the aborigines, and how far the same can be improved, physically as well as morally, by effecting some change in the present establishment of protectors.

His Excellency moved the order of the day for the further consideration of the "Debenture Bill."

The Colonial Treasurer then moved—"That the second Schedule be amended;" which was agreed to.

His Excellency put the question—"That Schedule, as amended, do stand part of the Bill." Agreed to.

The Colonial Treasurer moved—"That the third form in Schedule be erased, and that a form for making the debentures available in remitting monies," be added. Form read.

His Excellency put the question—"That form, as read, do stand part of the Bill;" which was agreed to.

On motion of the Attorney-general, it was ordered—"That the Bill be engrossed."

The Colonial Secretary moved—"That the Standing Rules and Orders be suspended."

The Attorney-general moved—"That the Debenture Bill be read a third time."

Mr. Brown moved—"That said Bill be read a third time this day six months."

The question being put by his Excellency, "That Bill be read a third time this day six months;" carried against question.

His Excellency then put the question—"That said Bill be read a third time;" which was agreed to. Bill read a third time.

His Excellency moved—"That the title of the Bill be, 'An Ordinance to authorize the Governor of New Zealand to issue Debentures, and to make the same a legal Tender.'" Agreed to.

His Excellency then gave his assent to the Bill.

Mr. Brown tendered a protest against the said Bill, which was read.

On the question being put, "That protest be received and recorded on the Minutes," a discussion arose, and the Council divided.

Ayes, 2 :—Mr. Clifford,
Mr. Brown.

Noes, 3 :—The Governor,
The Colonial Secretary,
The Attorney-general.

The Colonial Treasurer and Dr. Martin declined to vote.

Carried against protest being received.

His Excellency then stated that he should propose, as an additional rule—"That when any protest shall be offered against any measure, the same shall be received by the Council, and entered on the Minutes, unless a majority of the Council shall object to the insertion of the protest at full length, in which case the substance of the protest shall alone be recorded on the Minutes of the Council." After considerable discussion thereon, his Excellency withdrew his proposition, and gave notice that he would submit the same for consideration on Tuesday the 21st instant.

The Attorney-general moved the order of the day for the second reading of Court of Requests' Bill.

On the question being put by his Excellency—"That Preamble be read;" the Council decided on the negative.

Clauses 1, 2 and 3 read, and agreed to.

On motion of the Attorney-general—"Clause 4 amended, by erasing all words from 'Provided,' in 24th line, to end of clause."

Clauses 6, 7 and 8 agreed to.

Mr. Brown here gave notice, that he would, on Thursday next, move—"Amendments to the following clauses: 5, 9, 16, 19, 21, 24, 28, 29, 30, 32, 33, 36, 37, 38, new clause (between 44 and 45), 45, 46, 47, and in Schedule No. 2."

On motion of the Attorney-general—"Further consideration of Bill postponed to Thursday the 23d instant."

[Council adjourned to 11 o'clock on Tuesday the 21st instant.]

Tuesday, 21 May 1844.

Present. — All the Members.

THE Council met pursuant to adjournment.

The Minutes of the last meeting were read and confirmed.

Mr. Clifford presented a petition from the licensed victuallers resident in Auckland, praying that a reduction might take place in the amount to which they were subjected for their licenses. Petition read.

Mr. Clifford presented a second petition from the same parties against the intended Bill for imposing a tax on houses; which was read.

Mr. Clifford then moved—"That the foregoing petitions be taken into consideration on the days upon which the subjects to which they respectively refer are brought before the Council."

Mr. Brown informed the Council that it appeared to him that the third form in the Schedule annexed to the Debentures' Ordinance was imperfect, and assigned his reasons; but after an explanation that the Schedule referred to would not be used, and after some discussion on the subject, he declined making any specific motion.

His Excellency according to notice proposed that the following rule be added to the

standing rules and orders—"That when any protest shall be offered against any measure, the same shall be received by the Council, and entered on the Minutes, unless a majority of the Council shall object to the insertion of the protest at full length, in which case the substance of the protest shall alone be recorded on the Minutes of the Council."

Rule read and agreed to.

The Governor then directed that the standing rules and orders be read; when, after several verbal amendments, the same were approved of and adopted.

On the motion of the Governor, and with the concurrence of Dr. Martin, it was decided—"That the three resolutions which Dr. Martin had given notice of his intention to propose on Saturday the 25th instant, should be read on that day, and entered on the Minutes, but that the discussion thereon should be postponed."

The Governor then laid on the table "A Statement of the Assets and Liabilities of the Colony, to the 14th May 1844." Ordered—"That the same be taken into consideration on Thursday the 23d instant."

The Governor laid on the table "The Estimate of the probable Expenditure for the year 1844." Ordered—"That the same be considered on Saturday the 25th instant."

Dr. Martin gave notice—"That on Saturday next, he would move the following amendments to the 'Estimates:'"—

	£.	s.	d.		£.	s.	d.
For Colonial Secretary's Department	1,370	-	-	instead of	1,915	-	-
For Attorney-general	400	-	-	"	430	-	-
For Colonial Treasurer	725	-	-	"	1,135	-	-
For Council Office	nil	-	-	"	425	-	-
For Superintendent of Southern Division	550	-	-	"	750	-	-
For Customs	2,382	-	-	"	4,000	-	-
For Judicial Establishment	2,539	-	-	"	3,970	-	-
For Sheriffs and Gaols	1,321	-	-	"	1,615	-	-
For Ecclesiastical Establishment	nil.	-	-				
For Medical Department	200	-	-	"	300	-	-
For Harbour Establishment	300	-	-	"	375	-	-
For Colonial Vessel	500	-	-	"	1,508	-	-
For Public Works	1,875	-	-	"	2,710	-	-
For Postage	200	-	-	"	250	-	-
For Commissioners of Land Claims	725	-	-	"	2,200	-	-
For Registry of Deeds	nil.	-	-				
For Magistrates and Police	1,675	10	-	"	5,102	8	-
For Survey	600	-	-	"	2,400	-	-
For Protectors of Aborigines as interpreters	400	-	-	"	2,400	-	-

The Governor then laid on the table the following Bills:—

1. "A Bill for appropriating the Revenue of the Colony for 1844."
2. "A Bill for imposing a Tax on Land."
3. "A Bill for imposing a Tax on Houses."
4. "A Bill for imposing a Tax on Dogs."

On motion of his Excellency, it was ordered—"That the said Bills be severally read a first time on Thursday the 23d instant."

The Attorney-general gave notice, that on Thursday next he would move the following amendment to the 24th clause of "Court of Requests' Bill:—"Strike out the word 'Provided,' in line 112, and the words following to the word 'whereof,' in line 113, and in lieu thereof insert 'whereupon execution may issue.'—In line 118, after the word 'judgment,' add 'and execution.'"

[The Council adjourned until 11 o'clock on Thursday the 23d May 1844.]

Thursday, 23 May 1844.

Present.—All the Members.

The Council met pursuant to adjournment.

The Minutes of the last meeting were read, and after being amended were confirmed.

The Governor moved the order of the day for the first reading of the "Bill for the Appropriation of the Revenue."

Bill read a first time accordingly.

On motion of the Governor, it was ordered—"That said Bill be read a second time on Saturday the 25th instant."

The Governor moved the order of the day for the first reading of the "Bill for imposing a Tax on Land."

Bill read a first time accordingly.

On motion of the Governor, it was ordered—"That said Bill be read a second time on Saturday the 25th instant."

The Governor moved the order of the day for the first reading of the "Bill for imposing a Tax on Houses."

Bill read a first time accordingly.

The Attorney-general gave notice that on the second reading of the House Tax Bill he would

would move the following amendment, viz.:—Add to end of second clause, "Provided that no person occupying any house by license, under the Licensing Ordinance, shall be liable to pay the tax hereby imposed for more than four rooms."

On motion of the Governor, it was ordered—"That said Bill be read a second time on Saturday, the 25th instant."

The Governor moved the Order of the day for the first reading of the "Bill for imposing a Tax on Dogs."

Bill read a first time accordingly.

Dr. Martin gave notice that, on the second reading of the Dog Tax Bill, he would move that the same be amended by erasing the words, "or a dog belonging to any aboriginal native," in eighth line.

The Governor gave notice that he would, at the second reading of the said Bill, move that clause 1 be amended as follows:—after the words "every dog," erase the words "more than one kept at any one house;" after the word "native," in eighth line, insert the words "not kept in or within one mile of any town, a yearly tax of five shillings; provided that dogs kept at a greater distance than five miles from the settlements of Auckland, Wellington, Nelson, Russell, New Plymouth, Hokianga, and Akaroa, shall be exempt from any such tax."

On motion of the Governor, it was ordered—"That said Bill be read a second time on Saturday, the 25th instant."

The Governor laid on the table a "Comparative Statement of the Estimates for the years 1843 and 1844."

The Governor then moved the order of the day for the consideration of the "Statement of the available Assets and Liabilities, requiring immediate liquidation." After some discussion, it was ordered that the same be printed. Vide Appendix (A.)

The Governor then moved—"That the Supplementary Statement of Assets and Liabilities of the Colonial Treasury of New Zealand, not being immediately available, or requiring immediate liquidation, be now considered." After discussion, in consequence of its being incomplete, Council were of opinion that the same should not be printed.

On motion of Mr. Brown, it was ordered—"That a Return of the Exports and Imports into the Colony for the year 1843, and as much of 1844 as practicable, be laid on the table, on Saturday the 25th instant, distinguishing quantities, values and the places from whence exported and imported, also the Revenue for the same period, distinguishing the Port from whence the same is derived."

The Governor moved the Order of the day for the further consideration of the "Court of Requests' Bill."

On clause 5 being read, the Attorney-general moved an amendment upon Mr. Brown's proposed amendment, to the following effect, viz.:—

"Add to end of 5th clause, 'and in case any Commissioner shall, by reason of sickness or other cause, be unable to discharge the duties of his office, it shall be lawful for his Excellency the Governor to appoint a fit person, being such barrister or solicitor as aforesaid, to act in the place of such Commissioner so long as such inability as aforesaid shall continue.'" Agreed to.

On clause 9 being read, Mr. Brown moved, according to notice, that clause be amended as follows—"after 'suit,' in 42d line, delete to 'where,' in 43d line." On the question being put, agreed to.

Mr. Brown also moved—"That said clause be amended by inserting at the end thereof the words, 'Provided also that any suit which would otherwise fall within the cognizance of the Supreme Court may, by the agreement of all the parties thereto, be brought and determined in any Court of Request which might have had cognizance thereof, if the debt or amount alleged to be due and owing had not exceeded 20 l.'" Agreed to.

Clauses 10, 11 and 12, read, and agreed to.

On clause 13 being read, the Governor put the question,—"That the court shall sit on two days in each month."—Agreed to.

On the question being put that the days of sitting be the 5th and 20th days of the month, carried in the negative.

On the question being put, that the days of sitting be the first and third Wednesday in every month, and that the words "a Sunday or Good Friday" be struck out in the said clause, and the words "Christmas Day" be inserted in lieu thereof, agreed to.

On motion of the Governor, it was ordered,—"That the further consideration of said Bill be postponed until Tuesday, 28th instant."

On motion of the Attorney-general, it was ordered,—"That the second reading of the Imprisonment for Debt Bill be postponed to Thursday, the 30th instant."

[The Council adjourned until 11 o'clock on Saturday, the 25th May 1844.]

Saturday, 25 May 1844.

Present.—All the Members.

THE Council met, pursuant to adjournment.

The minutes of the last meeting were read, and after being amended were confirmed.

Dr. Martin, according to notice, moved that the following Resolutions, of which he had given notice, be now read. Resolutions read accordingly.

"1. That it is of the utmost importance to the interests of this colony, that a constant supply

supply of capital and labour should be maintained by means of emigration from Great Britain; and that in order to obtain the fullest information regarding the class of emigrants whom it would be most desirable to introduce into this colony, it is resolved, that this Council shall order competent persons to be examined in evidence before it on the subject of emigration generally, with a special reference to the applicability of the Wakefield or present system of colonization, to the circumstances of this colony; on the effects of the present system of pre-emption over the lands of the aborigines, and how far it might conduce to the prosperity of the colony to modify or to abandon the same altogether; and that, after such evidence shall have been given, the Council shall embody the same in a report, for the purpose of being, as soon as possible, forwarded by his Excellency the Governor to the Secretary of State for the Colonies.

"2. With the view of obtaining the fullest possible information regarding the working of the present Customs establishment, and the necessity of a change from the present system of levying and collecting the revenue of the colony, it is the opinion of this Council, that competent persons should be examined in evidence before it on the subject of the Customs establishment; the propriety of abolishing customs altogether, and the sources from which a revenue may be derived with the greatest advantage to the Government and the public, and the least possible injustice to private individuals; and that a report, founded on the same, be forwarded by his Excellency the Governor to the Secretary of State for the Colonies.

"3. That the prosperity of the colony depends much upon the improvement of the aboriginal inhabitants, and that, as it is desirable to promote the same in every possible manner, it is the opinion of this Council, that competent witnesses should be examined before it on the best means of accomplishing that object; on the efficiency and usefulness of the present establishment of Protectors of Aborigines, and how far it may be possible and proper to modify the same by the exclusive appointment of persons acquainted with the general practice of medicine to the office of Protectors, and by the establishment of hospitals for the benefit of the aborigines in every district to which a Protector shall be appointed."

On motion of the Governor, it was ordered,—“That the foregoing Resolutions be taken into consideration on Saturday, the 8th day of June.”

The Governor informed the Council that an impression existing in the minds of some parties that, in consequence of the commission of the peace not having been published in the Government Gazette, the proceedings of the Council had been illegal, he would now lay the commission of the peace on the table, for the purpose of disabusing the minds of the public, and would at the same time read a portion of the Royal instructions, by which it would appear that it was not necessary that the commission should be published in the Gazette.

The Governor then laid on the table, “A Return of the Exports and Imports of the colony for 1843 and 1844.”

The Governor moved the Order of the day, for the second reading of the Appropriation Bill. A discussion thereon arose.

Question being put, “That Bill be read a second time;” agreed to.

Preamble read, and agreed to.

The first clause being read, the Governor moved—“That the consideration thereof be postponed until the Council had considered the items *seriatim*.” Agreed to.

On motion of Mr. Brown, it was Ordered—“That a Return of the *Actual Expenditure* for 1843, distinguishing sums exclusively for 1843 from sums paid in that year for 1842 or for 1844, or for any other period, be laid on the table.”

On motion of Dr. Martin—“Further consideration of said Bill postponed to Tuesday, the 28th instant.”

[Council adjourned to 11 o'clock on Tuesday, the 28th instant.

Tuesday, 28 May 1844.

Present—All the Members.

THE Council met, pursuant to adjournment.

The Minutes of the last meeting were read and confirmed.

His Excellency stated that, in consequence of the returns called for by Mr. Brown not being completed, he would propose that Council do proceed with the consideration of the “Court of Requests Bill.”

On motion of Mr. Brown, it was ordered—“That copies of the various Colonial Blue Books be laid on the table.”

The Council were then engaged in the consideration of the “Court of Requests’ Bill.”

Clauses 14 and 15 read, and agreed to.

On clause 16 being read, Mr. Brown, according to notice, moved that clause be amended as follows—“To end of clause add, ‘and if the bailiff shall be unable to find the defendant so as to serve him personally with the summons, the same shall be left at his dwelling house, and a notice of the same inserted in the Government Gazette, in the Form No. in the Schedule hereto annexed, requiring the appearance of the defendant on such court day as shall fall 20 clear days after such service and notice thereof.’”

On the question being put, carried in the negative.

On the question being put that clause, as originally read, do stand part of the Bill, agreed to.

Clauses

Clauses 17 and 18 read, and agreed to.

On clause 19 being read, Mr. Brown, according to notice, moved that the same be amended; but on the explanation of the Attorney-general, withdrew his amendment.

On the question being put, that clause, as originally read, do stand part of the Bill, agreed to.

Clause 20 read, and agreed to.

On clause 21 being read, Mr. Brown, according to notice, moved that same be amended; but on the explanation of the Attorney-general, withdrew the amendment.

On the question being put, that clause, as originally read, do stand part of the Bill, agreed to.

Clauses 22 and 23 read, and agreed to.

On clause 24 being read, Mr. Brown proposed an amendment to same; but on the explanation of the Attorney-general, withdrew his amendment.

The Attorney-general moved, that clause be amended by striking out all the words from "Provided," in 112th line, to "thereof," in 113th line, and inserting in lieu thereof, "whereupon execution may issue;" also, in line 118, after the word "judgment," add "and execution."

On motion of the Attorney-general, further consideration of said clause postponed.

On clause 26 being read, Dr. Martin moved that the same be amended as follows—"That a clause embodying the principles of the Bill for the 'Imprisonment for Debt' be substituted for this clause;" but upon explanation of the Governor, withdrew the amendment. Clause agreed to.

Clause 27 read, and agreed to.

On clause 28 being read, consideration thereof postponed until 29th clause considered.

Mr. Brown moved that 29th clause be struck out. Agreed to.

Further consideration of clause 28 postponed.

The Attorney-general gave notice that he would move, on the consideration of said clause, that the same be amended as follows:—"Add at the end thereof, 'Provided, that as against the estate and effects of such prisoner, whatsoever and wheresoever, the judgment under which he shall have been so imprisoned as aforesaid, shall be of as full force and effect as if the body of such prisoner had never been taken in execution by virtue thereof.'"

The Governor moved that clause 30 be amended, by striking out the words "three shillings for," and inserting "four shillings towards." Agreed to.

The Attorney-general moved that clause be amended by erasing all the words commencing from "every person," in 149th line, to end of clause. Agreed to.

Clause 31 read, and agreed to.

On clause 32 being read, Mr. Brown moved an amendment thereto, but subsequently withdrew it.

On the question being put, that the original clause do stand part of the Bill, agreed to.

Clauses 33, 34 and 35, read, and agreed to.

On clause 36 being read, Mr. Brown moved an amendment thereto; but on the explanation of the Attorney-general, withdrew the same.

Clause as originally read, agreed to.

On clause 37 being read, the Governor moved that the same be amended as follows—"Erase all words after the word 'cause,' in 184th line, to end of clause." Agreed to.

The Governor moved, that clause be amended by inserting in first line the words "as agent or proxy," between the words "employed" and "on." Agreed to.

Clauses 38, 39, 40, 41, 42, 43 and 44, read, and agreed to.

Mr. Brown moved that an additional clause be added after the 44th clause.

On the question being put, carried in the negative.

Mr. Brown moved that clause 45 be amended. After considerable discussion thereon, Mr. Brown withdrew his proposed amendment.

On the question being put that clause, as read, do stand part of Bill, agreed to.

Clause 46 and 47 read, and agreed to.

On motion of the Attorney-general, further consideration of said Bill postponed to Thursday, 30th instant.

The Governor laid on the table the Blue Books for 1841, 1842 and 1843.

The Governor also laid on the table a "Return of Expenses brought forward on account of the Government of New Zealand, subsequent to the 1st January 1843, for 1843 and arrears."

The Governor moved the order of the day for the further consideration of the "Appropriation Bill."

On the question being put, that the sum of 1,450 *l.* 13*s.* be sanctioned for his Excellency the Governor and establishment, agreed to.

On the question being put, that the sum of 1,915 *l.* be sanctioned for the Colonial Secretary's department, Dr. Martin moved an amendment that the sum of 1,370 *l.* be granted in lieu thereof. A discussion arose thereon, and on the question being put that the sum of 1,370 *l.* be granted for the Colonial Secretary's Department—

Ayes 3:—Mr. Clifford.

Mr. Brown.

Dr. Martin.

Noes 4:—The Governor.

The Colonial Secretary.

The Attorney-general.

The Colonial Treasurer.

Carried in the negative.

On the question being put that the sum of 1,915*l.* be granted, carried in the affirmative.

On the question being put that the sum of 430*l.* be sanctioned for the Attorney-general, Dr. Martin moved an amendment that 400*l.* be granted in lieu thereof, but afterwards withdrew his amendment. Original question put, and agreed to.

Further consideration of Appropriation Bill postponed to Thursday, 30th instant.

[Council adjourned to 11 o'clock on Thursday, 30th instant.]

Tuesday, 30 May 1844.

Present.—All the Members.

THE Council met, pursuant to adjournment.

The minutes of the last meeting were read, and after being amended were confirmed.

On motion of Mr. Clifford, it was ordered—"That copies of any Correspondence or instructions received from the Home Government regarding Ecclesiastical establishments in New Zealand, be laid on the table."

The Governor laid on the table "A Bill for facilitating proceedings by and against a certain Joint Stock Company, called the Union Bank of Australia," and for other purposes. His Excellency also moved that the Bill be read a first time on Saturday, 1st June proximo. His Excellency further stated that it was not his intention to propose the second reading of the Bill until the close of the Session, so that parties particularly interested in the measure might not be taken by surprise.

The further consideration of Appropriation Bill proceeded with.

On the question being put, that the sum of 1,135*l.* be granted for the Colonial Treasurer's establishment, Dr. Martin moved as an amendment, that 725*l.* be substituted in lieu thereof. A discussion arose thereon, and on the question being put that amendment be agreed to, carried in the negative.

On the question being put, that the sum of 1,135*l.* be granted to the Colonial Treasurer's department, a discussion arose, and Council divided thereon:—

Ayes 4:—The Governor.

The Colonial Secretary.

The Attorney-general.

The Colonial Treasurer.

Noes 2:—Mr. Brown.

Dr. Martin.

Mr. Clifford declining to vote.

Carried in the affirmative.

On the question being put that the sum of 425*l.* be granted to the Department of Councils, Dr. Martin moved as an amendment, that the sum of 300*l.* be granted in lieu thereof. A discussion arose thereon, and on the question being put that amendment be agreed to, the Council divided—

Ayes 2:—Mr. Brown.

Dr. Martin.

Noes 4:—The Governor.

The Colonial Secretary.

The Attorney-general.

The Colonial Treasurer.

Mr. Clifford declining to vote.

On the question being put that the sum of 425*l.* be granted to Council Department² carried in the affirmative.

On the question being put that the sum of 750*l.* be granted for the Superintendent of the Southern Division and establishment, Dr. Martin moved as an amendment that the sum of 600*l.* be granted in lieu thereof. A discussion arose thereon, and Council divided.

Ayes 2:—Mr. Brown.

Dr. Martin.

Noes 4:—The Governor.

The Colonial Secretary.

The Attorney-general.

The Colonial Treasurer.

Mr. Clifford declining to vote.

On the question being put that the sum of 750*l.* be agreed to, carried in the affirmative.

On the question being put that the sum of 150*l.* be granted for the department of Crown Solicitor in the Southern Division. Agreed to.

On the question being put that the sum of 325*l.* be appropriated for Department of Audit, a discussion arose thereon, but the amount was subsequently agreed to.

On the question being put that the sum of 4,000*l.* be granted for the Customs' establishment, Dr. Martin moved as an amendment, that a sum of 2,357*l.* be granted in lieu thereof. A discussion arose thereon, when Dr. Martin requested permission to alter the amendment to 2,573*l.* On the question being put that the sum of 2,573*l.* be voted, a division took place—

Ayes 2:—Mr. Brown.

Dr. Martin.

Noes 4:—The Governor.

The Colonial Secretary.

The Attorney-general.

The Colonial Treasurer.

Mr. Clifford declining to vote.

Carried in the negative.

On

On the question being put, that the sum of 4,000*l.* be granted, carried in the affirmative.

On the question being put, that a sum of 3,970*l.* be appropriated for the Judicial Establishment, Dr. Martin moved that the sum of 2,389*l.* be granted in lieu thereof. A discussion arose thereon. On the question being put, that the amendment be agreed to, Council divided—

Ayes, 2 :—Mr. Brown,
Dr. Martin.

Noes, 4 :—The Governor,
The Colonial Secretary,
The Attorney-general,
The Colonial Treasurer.

Mr. Clifford declining to vote.

On the question being put, that the sum of 3,970*l.* be agreed to, carried in the affirmative.

On the question being put, that the sum of 80*l.* be granted to establishment of Coroners, agreed to.

On the question being put, that the sum of 1,615*l.* be appropriated for the department of Sheriffs and Gaols, Dr. Martin moved an amendment, that the sum of 1,161*l.* be granted in lieu thereof. A discussion thereon arose.

His Excellency moved as an amendment, that the sums to be granted to the sheriffs, in addition to their fees, be struck out, but subsequently withdrew his amendment.

On the question being put, that the sum of 1,161*l.* be granted :—

Ayes, 2 :—Mr. Brown,
Dr. Martin.

Noes, 4 :—The Governor,
The Colonial Secretary,
The Attorney-general,
The Colonial Treasurer.

Mr. Clifford declining to vote.

Carried in the negative.

On the question being put, that the sum of 1,615*l.* be voted, carried in the affirmative.

On motion of his Excellency—"Further consideration of 'Appropriation Bill' postponed to Saturday the 1st of June."

[The Council adjourned until 11 o'clock on Saturday the 1st June 1844.]

Saturday, 1 June 1844.

Present.—All the Members.

THE Council met pursuant to adjournment.

The Minutes of the last meeting were read and confirmed.

Dr. Martin presented a petition from 39 inhabitants of Auckland, against granting pecuniary aid to the ministers at Auckland, Wellington, Nelson and the Bay of Islands. Petition received and read.

The Governor laid on the table, "A Bill for appointing a Board of Trustees for the Management of Property to be set apart for the Education and Advancement of the Native Race."

On motion of the Governor, it was ordered, "That said Bill be read a first time on Saturday the 8th instant."

The Governor laid on the table, "A copy of the instructions to the superintendent of the southern division."

The Governor laid on the table, the correspondence relative to the Ecclesiastical Establishment; moved for by Mr. Clifford. Correspondence read.

The Governor moved the order of the day for the further consideration of the "Appropriation Bill."

Mr. Clifford gave notice, that on the consideration of the Preamble, he would move that the same be amended as follows:—"After the words 'Colonial Government,' in second line of Preamble, insert the words 'and such sums of money as may be received in aid from the Home Government.'"

On the question being put, that the sum of 200*l.* be granted for the support of Ecclesiastical Establishment, Dr. Martin moved, as an amendment, that the said item be struck out. A discussion arose thereon; and on the question being put, that the amendment be agreed to, Council divided :—

Ayes, 2 :—Mr. Brown,
Dr. Martin.

Noes, 4 :—The Governor,
The Colonial Secretary,
The Attorney-general,
The Colonial Treasurer.

Mr. Clifford declining to vote.

Carried in the negative.

On the original question being put, that the sum of 200*l.* be granted, carried in the affirmative.

The Governor then moved as an amendment, that a further sum of 200*l.* be granted from the colonial revenue solely, in aid of the salary of the Lord Bishop of New Zealand.

On the question being put, Dr. Martin moved as an amendment, that the discussion on his Excellency's amendment be postponed. Amendment put—

Aye, 1 :—Dr. Martin.

Noes, 6 :—The Governor,
The Colonial Secretary,
The Attorney-general,
The Colonial Treasurer,
Mr. Clifford,
Mr. Brown.

Carried in the negative.

On the question being put, that the amendment proposed by his Excellency be agreed to—

Ayes, 2 :—The Governor,
The Attorney-general.

Noes, 5 :—The Colonial Secretary,
The Colonial Treasurer,
Mr. Clifford,
Mr. Brown,
Dr. Martin.

On the question being put, that the sum of 300*l.* be granted for Medical Department, Dr. Martin moved as an amendment, that the sum of 200*l.* be granted in lieu thereof, but subsequently withdrew his amendment, and proposed as a further amendment, that a sum of 600*l.* be granted. Dr. Martin, however, subsequently declined pressing either amendments. On the question being put, that the original sum of 300*l.* be granted, agreed to.

On the question being put, that the sum of 375*l.* be appropriated for the Harbour Establishment, Dr. Martin moved as an amendment that the sum of 300*l.* be granted in lieu thereof, but subsequently withdrew it. On the question being put, that the original sum of 375*l.* be granted, agreed to.

On the question being put, that a sum of 1,508*l.* be appropriated for the Colonial Vessel, Dr. Martin moved as an amendment, that a sum of 500*l.* be appropriated in lieu thereof. A discussion thereon arose—

Ayes, 2 :—Mr. Brown,
Dr. Martin.

Noes, 4 :—The Governor,
The Colonial Secretary,
The Attorney-general,
The Colonial Treasurer.

On the question being put, that the original sum be granted, agreed to.

On the question being put, that the sum of 2,710*l.* be appropriated for Public Works, &c., Dr. Martin moved as an amendment, that the sum of 1,875*l.* be granted in lieu thereof. A discussion arose thereon, and on the question being put, that the amendment be agreed to, a division took place—

Ayes, 2 :—Mr. Brown,
Dr. Martin.

Noes, 4 :—The Governor,
The Colonial Secretary,
The Attorney-general,
The Colonial Treasurer.

Mr. Clifford declining to vote.

Carried in the negative.

On the question being put, that the original sum be granted, agreed to.

On the question being put, that the sum of 250*l.* be voted for the expense of the Postage of Letters on Public Service, Dr. Martin moved as an amendment, that the sum of 200*l.* be granted in lieu thereof, but subsequently withdrew his amendment.

On the question being put, that the original sum of 250*l.* be granted, agreed to.

On motion of the Governor, further consideration of "Appropriation Bill" postponed to Tuesday 4th June, 1844.

[Council adjourned to 11 o'clock on Tuesday the 4th June 1844.]

Tuesday, 4 June 1844.

Present.—All the Members.

THE Council met, pursuant to adjournment.

The Minutes of the last meeting were read, and, after being amended, were confirmed.

Mr. Clifford presented a petition from the inhabitants of Auckland against the proposed Taxes upon Land, Houses and importation of Cattle. Petition received, and read.

On motion of the Governor, it was ordered— "That the foregoing petition be taken into consideration when the several subjects to which it refers are brought before the Council."

The Governor moved the order of the day for the further consideration of the "Appropriation Bill." Agreed to.

On the question being put, that a sum of 2,200*l.* be granted for the Commission for Titles and Claims to Land, Dr. Martin moved as an amendment, that nothing be granted. Council divided on amendment—

Ayes, 3 :—Mr. Clifford,
Mr. Brown,
Dr. Martin.

Noes, 4 :—The Governor,
The Colonial Secretary,
The Attorney-general,
The Colonial Treasurer.

Carried in the negative.

On

On the question being put, that the sum of 2,200 *l.* be agreed to, carried in the affirmative.

On the question being put, that the sum of 300 *l.* be granted to department of Deeds, Agreed to.

On the question being put, that the sum of 5,102 *l.* 8 *s.* be granted for the department of Magistrates and Police, Dr. Martin moved as an amendment, that the sum of 1,667 *l.* be granted in lieu thereof. A discussion arose thereon.

The Colonial Secretary moved as a further amendment, that the sum of 5,002 *l.* 8 *s.* be substituted for magistrates and police, instead of 5,102 *l.* 8 *s.* After some discussion, the Colonial Secretary withdrew his amendment.

On the question being put, that Dr. Martin's amendment be agreed to, Council divided—

Ayes, 2 :—Mr. Brown,
Dr. Martin.

Noes, 4 :—The Governor,
The Colonial Secretary,
The Attorney-general,
The Colonial Treasurer.

Mr. Clifford declining to vote.

Carried in the negative.

On the question being put, that the sum of 5,102 *l.* 8 *s.* be granted, carried in the affirmative.

On the question being put, that the sum of 2,400 *l.* be granted for the Survey Department, Dr. Martin moved as an amendment, that a sum of 200 *l.* be granted in lieu thereof. On the question being put, that Dr. Martin's amendment be agreed to, Council divided—

Ayes, 2 :—Mr. Brown,
Dr. Martin.

Noes, 4 :—The Governor,
The Colonial Secretary,
The Attorney-general,
The Colonial Treasurer.

Mr. Clifford declining to vote.

Carried in the negative.

On the question being put, that the sum of 2,400 *l.* be granted, carried in the affirmative.

On the question being put, that a sum of 2,400 *l.* be appropriated for the Department of Aborigines, Dr. Martin moved as an amendment, that the sum of 400 *l.* be granted in lieu thereof. A discussion arose thereon. Council divided on the amendment—

Ayes, 2 :—Mr. Brown,
Dr. Martin.

Noes, 4 :—The Governor,
The Colonial Secretary,
The Attorney-general,
The Colonial Treasurer.

Mr. Clifford declining to vote.

Carried in the negative.

On the question being put, that the sum of 2,400 *l.* be granted, carried in the affirmative.

On the question being put, that the sum of 800 *l.* be appropriated for completing land purchases, Dr. Martin moved as an amendment, that nothing be granted in lieu thereof, but subsequently withdrew his amendment. On the question being put, that the original sum be granted, agreed to.

On the question being put, that a sum of 1,200 *l.* be granted for General Contingencies, Dr. Martin moved as an amendment, that the sum of 1,550 *l.* be appropriated in lieu thereof. A discussion arose thereon, and on the question being put, that Dr. Martin's amendment be agreed to, Council divided—

Ayes, 2 :—Mr. Brown,
Dr. Martin.

Noes, 4 :—The Governor,
The Colonial Secretary,
The Attorney-general,
The Colonial Treasurer.

Mr. Clifford declining to vote.

Carried in the negative.

On the original question being put, that the sum of 1,200 *l.* be granted, carried in the affirmative.

On clause 2 being read, the question was put, that clause be agreed to. Council divided—

Ayes, 4 :—The Governor,
The Colonial Secretary,
The Attorney-general,
The Colonial Treasurer.

Noes, 2 :—Mr. Brown,
Dr. Martin.

Mr. Clifford declining to vote.

Carried in the affirmative.

On the Preamble being read, the Governor moved that the word "colonial," in first line, be erased, and the word "general" be inserted in lieu thereof. Agreed to.

On first clause being read, the Attorney-general moved that the word "colonial," in first line, be erased, and the word "general" be inserted in lieu thereof; also that the blank be filled up in eighth line by inserting the word "Government," and that the blank in the ninth line be filled up by inserting the words "1844."

On clause being read, and on the question being put, that the sum of 35,991 *l.* 1 *s.* be granted for defraying the charge of the Government for 1844, Dr. Martin moved as an amendment; that 20,000 *l.* be granted in lieu thereof. Council divided—

Ayes, 2 :—Mr. Brown,
Dr. Martin.

Noes, 4 :—The Governor,
The Colonial Secretary,
The Attorney-General,
The Colonial Treasurer.

Mr. Clifford declining to vote.

Carried in the negative.

On the original question being put, that 35,991 *l.* 1 *s.* be granted, agreed to.

On motion of the Governor, it was ordered—"That the Bill be engrossed, and that it be read a third time on Thursday the 6th instant."

On motion of the Governor, the order of the day for the second reading of the "Land Tax Bill" was proceeded with.

Mr. Brown moved as an amendment—"That the Land Tax Bill be read a second time this day six months, as the present revenue of the colony, arising from the sources of revenue already in existence, and estimated at 21,800 *l.*, is fully adequate to defray the expenses of an efficient government here, provided the same were so reduced as to be suited to the wants of the place, and the capabilities of the colonists, the latter being under the present extreme depression unable to sustain additional taxation."

Mr. Clifford requested permission to present a petition from the settlers of the Tamaki, which had that moment been handed to him, against the proposed Bill for imposing taxes. Petition received and read.

A lengthened debate took place, and, on motion of the Colonial Treasurer, it was ordered—"That the further discussion thereon be postponed to Thursday next."

[Council adjourned until 11 o'clock on Thursday the 6th instant.]

Thursday, 6 June 1844.

Present.—All the Members.

THE Council met pursuant to adjournment.

The Minutes of the last meeting were read and confirmed.

The Governor, before proceeding with the orders of the day, read a portion of the Royal instructions, prohibiting his either increasing or diminishing the salaries of Government officers.

On motion of the Governor, the order of the day for the third reading of the "Appropriation Bill" proceeded with. Bill read a third time.

Mr. Brown presented the following protest, which was read, and on the motion of the Governor, it was ordered—"That the same be printed with the Minutes, and a copy transmitted to the Secretary of State."

Mr. Clifford also presented a protest against the said Bill, which was also read and ordered to be printed.

PROTEST against the "Appropriation Bill."

"I PROTEST against the passing of the Bill for appropriating the sum of 35,991 *l.* 1 *s.* for defraying the expenses of the Government for the current year; or for the expenditure of any sum beyond 20,000 *l.*, believing that to be the very largest sum which the colonists are able to pay, or can be fairly called upon to contribute under the present extremely depressed state of the colony.

"1. Because the colony is not in a state to sustain a greater amount of taxation. Impediments which the Government itself has thrown in the way of the settlers, particularly by discrediting the titles to lands held by the original settlers of the country, and keeping up for four years an expensive and vexatious investigation of these titles, has not only ruined these individuals themselves, but has, in conjunction with many other impolitic and destructive measures, entirely prevented all advancement of the colony. Much capital has been expended, but hitherto there have been no returns, and the work of colonization can scarcely be said to have yet commenced. The colonists for the last four years have been living upon their capital, until now it is very nearly exhausted. The returns laid on the table of the exports and imports show a balance against the colony during the last four years of no less a sum than 623,313 *l.*, and though accurate statistical returns on the point cannot be obtained, there is every reason to suppose that the colony is in a state of insolvency. Under such circumstances, therefore, I think it unjust to vote away such a sum of money as now sought for, seeing that the colonists have it not themselves; and this Council can have no right to vote away either the funds of those to whom the colony is indebted, or the funds of the British Government.

"2. Because the establishments of Government are very numerous, and the machinery cumbersome and expensive, and being instituted and sanctioned by the Home Government as an act of State policy, it would be unjust and unreasonable to expect the small body of colonists here to be either able or willing to support the same.

"3. Because, if payment must be made by the colonists, the salaries of many of the Government officers (however moderate on a comparison with incomes of individuals in the mother-country),

country), are greatly beyond what is reasonable here; taking into account the great reduction in the price of every thing since these salaries were allowed, and they are greatly beyond the incomes of any of the colonists, even with the advantage of their capital added to that of their personal services.

" 4. I object in particular to the sum of 200 *l.* voted on account of the Episcopal establishment, upon the general principle of such a grant creating an invidious distinction between one set of Christians and another. If assistance be afforded to one class, it ought also to be given to every other; and because the colony is unable to support all. I object on principle to any assistance being afforded exclusively to one class. It is moreover a violation of the rights of conscience and of religious liberty, to compel one man to pay for the religion of another, and thereby support a system which he may believe to be founded upon falsehood and error; further, it is highly impolitic to set up a state church here, in defiance of the religious prejudices of a majority of the community, and in utter disregard of the direful effects produced by a similar establishment in our native land.

" 5. I object to the ordinary revenue of the colony being charged with the sums of 2,200 *l.* for Commission to Titles and Claims to Land, 2,400 *l.* for Survey establishment, and 2,400 *l.* for Aborigines, because these sums ought to be charged against the special funds arising from land sales, and applicable thereto; and if there are no such funds to pay for these establishments, they ought to be given up, until the colony rally from its present depression, and become enabled to pay for them.

" 6. To the sum of 1,508 *l.* for the Colonial Vessel I object, on the ground that her usefulness affords no good reason for incurring such a large amount of expenditure; and because, for all necessary purposes, sufficient communication might be kept up with the various settlements, by expending a small amount of money in aid of private enterprise, which the Government vessel has a tendency to discourage.

" 7. I have further to protest against this Bill, in so far as the same has been carried by the votes of the official members of Council alone, contrary to the votes of the non-official members, and to the general wishes of the community.

" And I request that this protest may be recorded on the Minutes of Council, and that an extract copy of such minutes, together with a copy of the Estimates, may be transmitted to the Right honourable the Secretary of State for the Colonies, for the consideration of Her Majesty's Government.

(signed) " *William Brown,*
" Member of the Legislative Council."

" I JOIN in and fully concur with the foregoing protest, and in addition to what is there stated, I have only further to record my reasons for not having voted on most of the items of expenditure in the Bill, which are:

" Because it appears to me to be a question, whether the amount is to be paid in part by the Home Government, or entirely by the colony. If it is paid by the Home Government, I do not feel authorized to interfere with its appointments. If it is to be paid entirely by the colony, the whole system would require alteration to come within its means of payment, as I am fully convinced that in the present depressed state of the colony, additional taxes could not be raised, and any attempt to do so would seriously cramp its energies, and retard its progress.

" Auckland, 6 June 1844."

(signed) " *Charles Clifford,*
" Member of the Legislative Council."

Dr. Martin also presented a protest against the said Bill, which was read, and on the motion of the Governor, it was ordered—" That the same be printed with the minutes, and a copy transmitted to the Secretary of State."

PROTEST against the " Appropriation Bill."

" WHEREAS the ' Appropriation Bill,' now under the consideration of this Council, is calculated seriously to injure this colony, by its tendency to deceive the Home Government as to the amount of revenue which can be raised in the colony, and thereby to prevent the Home Government from affording that aid, which, under the present peculiar circumstances of New Zealand it is essentially necessary to bestow, not only for the maintenance of the present government, but even for the preservation of the colony as a dependency of Great Britain; the undersigned hereby protests against the passing of the said ' Appropriation Bill' on the following general and special grounds, namely—

" 1st. Because this colony is not in a condition to raise the amount of revenue sought to be appropriated for the purposes of government under that Bill.

" 2d. Because the acts of the late government have retarded the progress of the colony, both by their general impolitic and unwise tendency, as well as by their special injustice towards certain classes of the community, such as the original settlers of this colony, who have been, since the establishment of British authority in this country, until the arrival of his Excellency the present Governor, prevented from making their lands available, and consequently from being able to contribute towards a revenue for the general purposes of government.

" 3d. Because, from the above reasons, and on account of the establishment of customs, the trade and commerce of the colony have been so much injured, that not only have all

profits ceased, but nearly all those who have been engaged in commercial undertakings, have been actually ruined.

" 4th. Because it is not reasonable to expect or to require that a young colony, consisting of a few European settlers, should provide for the maintenance of so extensive a government as that of this colony, established as it is more for the purpose of preserving peace and order among the numerous aboriginal tribes, than for governing these few European settlers.

" 5th. Because the inhabitants of this colony have no voice in the government, and no control over the expenditure of the revenue.

" 6th. Because the present system of government is unadapted to the circumstances of this community, the various departments having been primarily founded on the plan of the government of New South Wales, which, however well adapted for a penal colony, is altogether unsuited to the circumstances and repugnant to the habits and feelings of a free population; and because the salaries of many of the officers of this government, however moderate they may appear to be compared with those of officers of similar rank at home, and in the older colonies, are, nevertheless, on a much higher scale than the inhabitants of this colony can afford to pay, if they are expected or obliged to maintain the government, these salaries bearing, as they do, no proportion to the incomes of any of the private settlers.

" Independent of these general objections, and of the fact that the colony cannot afford to pay half the amount proposed to be appropriated by this Bill, and in the belief that it is expected to raise the necessary funds in the colony for defraying the expenses of the various establishments, and for paying the salaries of the officers of this government, I object specially to the following items; viz.—

" 1st. I protest against the appropriation of the sum of 1,915*l.* on account of the Colonial Secretary's department, because the salary of the Colonial Secretary is higher than the income of any settler or man of business in this colony; because the number of clerks is greater than the actual work to be performed requires; because the colony, in its present depressed state, is not in a condition to maintain so expensive an establishment; and because I consider that the sum of 1,100*l.* would be quite sufficient.

" 2d. For the reasons already stated in reference to the Colonial Secretary's department, I protest against the appropriation of the sum of 1,135*l.* for the Colonial Treasurer's department, believing that the sum of 700*l.* would be sufficient for maintaining the same.

" 3d. I protest against the sum of 430*l.* for the Council Office, because I believe that the present clerk of Councils is not only quite competent to discharge all the duties of that office, but might also act as chief clerk in the Colonial Secretary's office, at his present salary of 300*l.* per annum.

" 4th. Against the sum of 750*l.* for the Superintendent of the Southern Division, I protest, because I believe that sum to be too high, and because, in the present depressed state of the colony, I consider it unwise to create any new departments.

" 5th. I protest against any larger sum than 2,573*l.* being expended on the Customs establishment; because I consider that amount sufficient for the mere collection of the revenue; and because I am firmly persuaded that the whole amount of revenue raised through the Customs would not, if expended on a preventive establishment, be sufficient to prevent smuggling on such a coast as that of New Zealand.

" 6th. Against the sum of 3,970*l.* on account of Judicial Establishments, I protest, because I consider that the salaries of the two judges are higher than the colony can afford to pay, and because I am convinced that a cheaper and less complex establishment than the present is better adapted to the condition of a young colony, and more befitting a new state of society.

" 7th. I protest against the sum of 1,615*l.* on account of Sheriffs and Gaols, because it is more than the colony can afford to pay; and because I consider that by combining the office of sheriff with that of some other office, a considerable saving might be accomplished.

" 8th. Against the sum of 200*l.* for Ecclesiastical Establishments I strongly protest, because it is a gross injustice, and calculated to entail upon this community the evils of a state church, which is found to be so grievous in the mother country; and because I conscientiously believe that it is contrary to reason, religion and the natural independence and inherent rights of man, that any person should be taxed to support a system of religion which he may not believe to be founded in truth. I specially protest against giving the sum of 200*l.* to the Church of England, because no law exists in this colony whereby the Governor is authorized to make such appropriation of any part of the colonial revenue; and because I consider the clergymen of other denominations in this colony to be equally zealous, useful and deserving of support as those of the Church of England; and, lastly, because I consider that no religious sect has a right to claim or to receive public support.

" 9th. Against the sum of 1,508*l.*, for Colonial Vessel, I protest, because I believe that vessel to be almost useless; and because I consider that it would tend much more to the interests of the colony to spend that sum in opening an overland communication with the southern and northern settlements, than upon a mere irregular Government packet between Auckland and Wellington.

" 10th. The sum of 2,710*l.* for Public Works, if intended to be paid by the colony in its present depressed circumstances, I protest against, because, however useful in itself, I am convinced the colony cannot afford to pay a larger amount than 1,875*l.* for that purpose.

" 11th. I protest against the sum of 2,200*l.* for Commission for Titles and Claims to Land, because that commission has been not only unnecessary, but also highly injurious to the best interests of this colony; and because I consider that even if necessary, the work of that

that commission might and should have been finished two year ago. I also consider that the salaries of the commissioners are much larger than their services are worth to this colony. Lastly, I protest against that commission, because of its immoral tendency, inasmuch as European and native witnesses are sworn in evidence against one another, and many of the cases inquired into, bear on the face of them that one or other party has given false evidence.

" 12th. I protest against the expenditure of a larger sum than 1,667*l.* for Magistrates and Police, because I consider that police magistrates might altogether be dispensed with in such a colony as this. Such an establishment may be necessary and useful in a penal colony, and in large commercial towns at home, but in a country such as New Zealand, order and peace might easily be preserved, and at little expense to the Government, by placing the more respectable portion of the settlers in the commission of the peace, and by the appointment of special constables.

" 13th. I protest against any expenditure on account of the Survey Establishment, because the fund from which that establishment should be maintained is not now in existence, the sales of the lands of the Crown in this colony having for a long time entirely ceased.

" 14th. Against the sum of 2,400*l.*, for Protectors of Aborigines, I protest, because that establishment, as at present constituted, is not calculated either to advance the moral and intellectual condition of the aborigines, or to promote their physical comfort; and because I consider that the name is calculated to mislead the Home Government, by conveying the idea that the local Government has made effective efforts in behalf of the aborigines, in mitigation of diseases and other evils entailed upon them by contact with Europeans. I also protest against this establishment, because the fund from which it should be maintained has ceased.

" In conclusion, I protest against any larger sum than 20,000*l.* being appropriated from the colonial revenue towards defraying the expenses of this Government, because I am convinced that even that sum is much larger than this colony can or should be called upon to pay. And I request that this my protest be recorded on the Minutes of this Council, and that a copy of the same be forwarded by his Excellency the Governor to the Right honourable the Secretary of State for the Colonies, along with the Appropriation Bill.

(signed) " S. M. D. Martin,
" Member of the Legislative Council."

" Auckland, 6 June 1844."

On motion of the Governor, it was ordered—" That the title of the Appropriation Bill be ' An Ordinance for appropriating the Revenue for 1844.' "

The Governor moved that the said Bill do pass. Carried in the affirmative.

The Governor then gave his assent to the Bill.

The Governor moved the Order of the day for the further consideration of the Bill for imposing a Tax upon Land. A debate arose thereon, and, on the motion of his Excellency, further discussion postponed.

The Governor laid on the table, " A Bill to amend an Ordinance enacted by the Governor and Council of New Zealand, Session 1, No. 3."

The Governor moved that said Bill be read a first time on Saturday, the 8th instant. Agreed to.

The Governor gave notice, that upon the reading of the said Bill he would move certain amendments, principally in the table of duties.

The Governor moved that the Bills for imposing taxes upon land, houses and dogs, be severally read a second time on Saturday next; that the Court of Requests Bill be further considered; the Imprisonment for Debt Bill read a second time; and the Union Bank of Australia Bill read a first time on Tuesday the 11th instant. That Dr. Martin's resolutions be taken into consideration on Saturday the 22d instant.

On motion of the Governor, it was ordered—" That the Estimates be printed."

Mr. Brown then moved the following Resolution, which was ordered to be entered on the Minutes—" That with the view of procuring, at an early period, the abolition of the Customs' establishment, which exerts a most injurious influence upon the commerce of the settlement, and, from the peculiar nature of the country, is at the same time very inefficient as a source of revenue, a system of taxation be introduced, founded upon the principle, that every one who lives under a Government, and enjoys protection for life and property, ought to contribute towards defraying the expenses of that Government, in proportion to the extent of protection which he receives; in other words, according to the extent of property and income which he may possess.

" That the tax founded on these principles, consist of—

" 1. A poll tax; to be levied from each adult, and the same rate to apply to all.

" 2. A property tax; of a certain per-centage upon the real value of all property within the colony.

" 3. An income tax; of a certain per-centage on all incomes.

" These taxes, upon being approved of by the Home Government, to come into operation within the colony as soon thereafter as the Governor shall think it in a fit state to introduce the same. The taxes for a certain period to be of a very small amount, sufficient merely to establish the practicability and expediency of the system; and on this being ascertained, that it be brought into full operation, and the Customs' establishment abolished'

On motion of Mr. Clifford, it was ordered—"That any instructions received from the Secretary of State on the subject of foreigners holding land in New Zealand, be laid on the table."

[Council adjourned to 11 o'clock on Saturday, the 8th instant.

Saturday, 8 June 1844.

Present:—All the Members.

THE Council met, pursuant to adjournment.

The minutes of the last meeting were read and confirmed.

The Governor laid on the table the instructions received from the Secretary of State on the subject of foreigners holding land in New Zealand.

The Governor moved the order of the day for the first reading of "Customs' Amendment Bill" (No. 2.) Bill read a first time.

The Attorney-general gave notice, that on the second reading of said Bill, he would move the following amendment, viz.—Erase the 1st clause and insert, "Whereas by the said recited Ordinance certain duties of Customs are made payable upon goods, wares and merchandize imported into the colony of New Zealand, as the same are respectively set forth in the Table of Duties of Customs to the said Ordinance annexed: but British goods and goods the produce of and imported direct from New South Wales or Van Diemen's Land, except as therein excepted, are exempted from the duties by the said Ordinance imposed: Be it enacted, by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, that so much of the said Ordinance as imposes the duties of Customs set forth in the Table of Duties of Customs to the said Ordinance annexed, and also so much of the said Ordinance as exempts British goods and goods the produce of and imported direct from, New South Wales or Van Diemen's Land, shall be repealed." Erase the 2d clause, and insert in lieu thereof, "And be it enacted, that in lieu of the said duties there shall be raised, levied, collected and paid unto Her Majesty, Her heirs and successors, for the public uses of the colony, upon goods, wares and merchandize imported into the colony of New Zealand, and landed at any port or place therein, from wheresoever the same may be imported, or of whatsoever country the same may be the produce or manufacture, the several duties of Customs as the same are respectively inserted, described, and set forth in figures in the tables to this Ordinance annexed, denominated 'a Table of Duties of Customs.'" Erase 4th clause, Erase the Table of Duties of Customs, and insert in lieu thereof the following; viz.

	£.	s.	d.
Spirits or strong waters, for every gallon of such spirits or strong waters, of any strength not exceeding the strength of proof by Sykes's hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any greater or less quantity than a gallon	-	4	-
Wines, for every hundred pounds value	20	-	-
Ale, beer, porter and other malt liquors, for every hundred pounds value	15	-	-
Tobacco, unmanufactured, per lb.	-	9	-
Ditto manufactured (except cigars and snuff), per lb.	-	1	-
Cigars and snuff, per lb.	-	2	-
Tea, sugar, flour, meal, wheat, rice and other grain and pulse, for every hundred pounds value	5	-	-
On all other goods, wares, merchandize and property, except wearing apparel in actual use by the importer, and except living animals, for every hundred pounds value	5	-	-

On motion of the Governor, it was ordered—"That the said Bill be read a second time on Thursday, the 13th instant."

On motion of the Governor, it was ordered—"That Mr. Hogg, acting collector of Customs, be summoned to attend Council on Thursday next."

On motion of Mr. Brown, it was ordered—"That the following gentlemen be requested to attend before the Council on Thursday next, for the purpose of giving evidence as to the state of the colony; Mr. D. Sinclair, Mr. Montefiore, Mr. W. S. Grahame, Mr. Kennedy, Mr. Rich, Mr. M'Dougal, Dr. Campbell, Mr. Cleghorn, Mr. Mason and Mr. Paton."

The Governor moved—"That the names of Mr. Kempthorne and Mr. Hart, be added to the list of those gentlemen."

On the question being put, Dr. Martin moved that the names be submitted separately.

Carried in the negative.

On the question being put, that Mr. Kempthorne and Mr. Hart be added to the list. Council divided.

Ayes 5:—The Governor.
The Colonial Secretary.
The Attorney-general.
The Colonial Treasurer.
Mr. Clifford.

Noes 2:—Mr. Brown.
Dr. Martin.

Carried in the affirmative.

On

On motion of the Governor, it was Ordered—That the further consideration of Land Tax Bill, and the second readings of the House Tax Bill and Dog Tax Bill, be postponed to Saturday, the 15th instant."

The Governor moved the first reading of the "Native Trust Bill."—Bill read a first time accordingly.

Dr. Martin gave notice that he would move the following amendment: After the 5th line, in the 2d page, insert "The Superintendent of the Wesleyan Mission, the Roman Catholic Bishop, the Mayor of Auckland, for the time being, one of the non-official Members of Council and the Agent of the New Zealand Company resident in Auckland."

Dr. Martin gave notice that he would move an amendment to the 5th clause, to the effect, "That the Missionaries in the several districts have the superintendence of the Schools."

The Governor moved—"That the Native Trust Bill be read a second time on Tuesday, the 18th instant."

[Council adjourned until 11 o'clock on Tuesday, the 11th instant.]

Tuesday, 11 June 1844.

Present.—All the Members.

THE Council met pursuant to adjournment.

The Minutes of the last meeting were read and confirmed.

Mr. Clifford presented a Petition from the inhabitants of the district of Hokianga. Petition received and read.

On motion of Mr. Clifford, it was Ordered—"That a return of Duties paid on Spirits and Tobacco at the various Whaling Stations on the shores of New Zealand, for the year 1843, be laid on the Table."

On motion of the Governor, it was Ordered—"That the names of Mr. Kempthorne and Mr. Hart be erased from the list of gentlemen whose attendance had been requested before Council. Agreed to.

On motion of Mr. Brown, it was Ordered—"That a copy of the foregoing motion be forwarded to the several gentlemen who have been already summoned.

On motion of Dr. Martin, it was Ordered—"That Mr. Ligar, the Surveyor-general, be summoned to attend Council on Thursday, the 13th instant."

The Governor moved the consideration of the "Court of Requests Bill."

The Attorney-general, according to notice, moved—"That clause be amended by striking out all the words from 'Provided,' in 112th line, to 'thereof,' in 113th line, and inserting in lieu thereof 'whereupon execution may issue;' also in 118th line, after the word 'judgment,' add, 'and execution,' and that the following be added to end of clause, 'Provided that the bailiff shall not proceed to a sale of any goods and chattels, seized under any such execution as aforesaid, until after the defendant shall have so failed to appear at such next court day as aforesaid.'"

On the question being put, that clause 24, as amended, do stand part of the Bill, agreed to.

The Attorney-General moved—"That 28th clause be amended by erasing all words after 'calendar month,' in 140th line, and adding the words, "and no more."

The Attorney-general moved—"That the following be added to the 30th clause—"when any prisoner shall be discharged from custody under the provisions of this Ordinance, he shall not be liable at any time thereafter to be taken in execution for any debt or sum of money with respect to which he shall have been so imprisoned as aforesaid; provided, that as against the estate and effects of such prisoner, whatsoever and wheresoever, the judgment under which he shall have been so imprisoned, as aforesaid, shall be of as full force and effect as if the body of such prisoner had never been taken in execution by virtue thereof. Agreed to.

On motion of the Governor, it was ordered—"That 47th clause be erased, and the following inserted in lieu thereof—"This Ordinance shall not come into operation until it shall have received the Royal confirmation, and until such confirmation shall have been notified accordingly in the New Zealand Government Gazette, by order of his Excellency the Governor of New Zealand for the time being."

Dr. Martin gave notice, that on the third reading he would move that 47th clause, as originally printed, do stand part of the Bill.

The Attorney-general moved that the following clause be added after the 47th—"Provided always, that when judgment shall have been given in any suit in any County Court before this Ordinance shall come into operation, execution may be had, and all other proceedings may be taken on such judgment, as fully and effectually as if the said recited Ordinance, Session 2, No. 2, had not been repealed."

Schedule A. 1. read, and agreed to.

On Schedule A. 2. being read, the Attorney-general moved—"That the same be amended by striking out 'first day and fifteenth day,' also the words 'a Sunday or Good Friday,' and inserting 'first and third Wednesday,' and 'a Christmas Day.'"

Schedule A. 3, 4, and 5, read and agreed to.

On Schedule B. being read, a discussion arose, but Schedule was subsequently agreed to.

On motion of the Governor—"Further consideration of the 'Court of Requests Bill,' postponed to Tuesday next."

The Governor moved the order of the day for the second reading of the "Imprisonment for Debt Bill."

On clause 1. being read, Mr. Brown moved as an amendment, that two months be inserted in lieu of three months.

On motion of the Attorney-general—"Further consideration of clause postponed."

Clause 2. read and agreed to.

On clause 3. being read, Mr. Brown moved—"That the word 'quarterly,' in the 4th line, be erased." Clause as amended, read, and agreed to.

On clause 4. being read, the Attorney-general moved—"That the further consideration of clause be postponed."

Clauses 5, 6, 7, 8, 9, 10, 11, and 12, read and agreed to.

On clause 13. being read, the Attorney-general moved—"That the word 'three' be erased in 29th line, and the word 'four' be inserted in lieu thereof." Clause, as amended, read, and agreed to.

Clause 14. read, and agreed to.

On clause 15. being read, Mr. Brown moved that the same be cancelled. Agreed to.

On motion of the Governor, it was Ordered—"That the further consideration of said Bill be postponed to Tuesday next, the 18th instant."

The Governor moved the order of the day for the first reading of the "Union Bank of Australia Bill." Bill read a first time accordingly.

The Governor moved, that the second reading of said Bill be postponed to a late period of this session.

Mr. Clifford moved—"That the said Bill be not read a second time until the Council are in possession of information respecting the objects and the principle on which the Banking Company conduct their business."

Ayes 2 :—The Attorney-general.
Mr. Clifford.

Noes 4 :—The Colonial Secretary.
The Colonial Treasurer.
Mr. Brown.
Dr. Martin.

The Governor declining to vote.

Carried in the negative.

The Governor put the question, that the Bill be read a second time this day three weeks, on the 2d July. Agreed to.

[Council adjourned to 11 o'clock on Thursday, the 13th June 1844.]

Thursday, 13 June 1844.

Present.—All the Members.

THE Council met pursuant to adjournment.

The Minutes of the last meeting were read and confirmed,

The Governor laid on the table the return of duties paid on spirits and tobacco at the various Whaling stations on the shores of New Zealand, for the year 1843.

The Governor informed the Council, that after consultation with the Members of the Executive Council, he had decided upon paying only part salaries to Government Officers after the 1st July, and until he should receive specific instructions from the Home Government.

In accordance with the motion of Mr. Brown, the following gentlemen being in attendance were introduced and examined on the state of the colony.

Mr. Hogg, Acting Collector of Customs.
Mr. D. Sinclair.
Mr. Montefiore.
Mr. Grahame.

Mr. Kennedy.
Mr. Cleghorn.
Mr. Paton.
Mr. Ligar, Surveyor-general.

On motion of the Governor, it was Ordered—"That the 'Customs Amendment Bill' be read a second time on Saturday, 15th instant."

[Council adjourned to 11 o'clock on Saturday, 15 June 1844.]

Saturday, 15 June 1844.

Present.—All the Members.

THE Council met pursuant to adjournment.

The minutes of the last meeting were read and confirmed.

Dr. Martin presented a petition from the inhabitants of Auckland and its vicinity, praying that the Court of Requests' Bill might be brought into immediate operation. Petition received and read.

On

On motion of Dr. Martin, it was Ordered—"That the foregoing petition be printed with the minutes."

"To his Excellency the Governor, and the Honourable the Legislative Council of New Zealand.

"The memorial of the undersigned respectfully sheweth,

"That your memorialists have experienced much loss and inconvenience from the want of a cheap and expeditious method of recovering small debts; the expense of attending the present court being so great, as almost to amount to a denial of justice. Your memorialists have in consequence regarded with much satisfaction the measure which is at present before your honourable Council, for the establishment of courts of requests in this colony. They regret, however, to hear that it is not the intention to establish these courts until the measure shall have met with the approval of the Home Government, and they would respectfully submit to your Excellency and honourable Council, that much inconvenience and even loss will be experienced by this delay, as many of them have for some time past been conducting their business and entering into arrangements, on the faith that the Court of Requests' Bill would be brought into immediate operation.

"Your memorialists would, therefore, respectfully request, that your Excellency and the honourable Council would immediately bring the Bill for the establishment of Courts of Requests into operation; and your memorialists, as in duty bound, will ever pray."

[Here follow 109 signatures.]

Mr. Brown presented a resolution founded upon the evidence of the witnesses who were examined on Thursday, the 13th instant, and moved that it be inserted on the Minutes of the Council. A discussion arose thereon, and Mr. Brown withdrew his motion.

The Attorney-general moved the order of the day for the second reading of the "Customs Amendment Bill," No. 1.

The Governor laid on the table a despatch from Lord Stanley to Governor Hobson, of date 9th June 1842, relating to the Customs' Ordinance; also a circular of date 28th June 1843, from Lord Stanley to Governor FitzRoy, on the subject of differential duties, which were severally read.

The Attorney-general gave notice that he would move the following amendment to the Table of Duties of Customs:—For the duty on Spirits, erase "4s." and insert "5s." Erase also words "wearing apparel in actual use by the importer," and insert "personal baggage;" insert after the words "living animals," the words "and specie."

Preamble read, and agreed to.

On the 1st clause being read, the Attorney-general moved that the 1st and 2d clauses be struck out, and the clause of which he had given notice, be inserted in lieu thereof. Agreed to.

On the 3d clause being read, number of clause altered to 2, and agreed to.

On the 4th clause being read, the Attorney-general moved, that the same be erased. Agreed to.

On the 5th clause being read, number of clause altered to 3. The Governor moved, that the word "specially," in the 15th line, be erased. Agreed to.

On the question being put, that clause, as amended, do stand part of the Bill, agreed to.

The number of the following clauses altered to 4, 5, 6 and 7; clauses read, and agreed to.

The Governor moved that the 8th clause be erased, and that the following be inserted in lieu thereof:—

"This Ordinance shall come into operation at each place as soon as the same shall have been received by the collector or sub-collector of Customs, or person lawfully acting for either; and at all other places throughout the colony, on the 1st day of August next; and such collector, sub-collector or person lawfully acting for either, shall give immediate public notice of his having received the said Ordinance." Agreed to.

Table of Duties of Customs read, and on motion of the Attorney-general, it was Ordered,—“That the same be expunged, and that the Table of which the Attorney-general had given notice, be inserted in lieu thereof.” Agreed to.

On the 1st item being read, the Attorney-general moved, that the duty on Spirits be altered from "4s." to "5s." Agreed to.

2d, 3d and 4th items read, and agreed to.

On the 5th item being read, Dr. Martin moved, that "Snuff" be erased from that item. Carried in the negative.

6th item read, and agreed to.

On the 7th item being read, Dr. Martin moved, that the two last items in the Table of Duties of Customs be struck out; and in lieu thereof,—Gunpowder (canister) per lb., 1s.; uns, Shot and Ammunition, of all sorts, 30 per cent. be inserted.

A discussion arose, on the question being put, that Dr. Martin's amendment be agreed to. Council divided.

Ayes 3:—Mr. Clifford.
Mr. Brown.
Dr. Martin.

Noes 4:—The Governor.
The Colonial Secretary.
The Attorney-general.
The Colonial Treasurer.

Carried in the negative.

On the question being put, that 7th item be agreed to, Council divided.

Ayes 4 :—The Governor.
The Colonial Secretary.
The Attorney-general.
The Colonial Treasurer.

Noes 3 :—Mr. Clifford.
Mr. Brown.
Mr. Martin.

Carried in the affirmative.

On the 8th item being read, the Attorney-general moved, that the same be amended, according to the notice he had given.

Dr. Martin moved as an amendment, that the same be erased, and that "Gunpowder (canister), per lb. 1 s.; Guns, Shot and Ammunition of all sorts, 30 per cent.," be inserted in lieu thereof.

On the question being put, that amendment be agreed to—

Ayes 3 :—Mr. Clifford.
Mr. Brown.
Dr. Martin.

Noes 4 :—The Governor.
The Colonial Secretary.
The Attorney-general.
The Colonial Treasurer.

Carried in the negative.

On the original question being put, that the Attorney-general's amendment be agreed to—

Ayes 4 :—The Governor.
The Colonial Secretary.
The Attorney-general.
The Colonial Treasurer.

Noes 3 :—Mr. Clifford.
Mr. Brown.
Dr. Martin.

Carried in the affirmative.

The Attorney-general moved that 7th item be erased, as the 8th item included, in general terms, the articles enumerated in the 7th item.

On the question being put, carried in the affirmative.

The Governor moved, that previous to the last item there be inserted the following,—
"On all guns or weapons of any description, or gunpowder or any munitions of war, for every hundred pounds value, 30 l."

Dr. Martin moved as an amendment, that the following be inserted, in lieu thereof,—
"Gunpowder (canister), per lb. 1 s.; Guns, Shot, and Ammunition of all kinds, 30 per cent." Council divided—

Ayes, 2 :—Mr. Brown.
Dr. Martin.

Noes, 5 :—The Governor.
The Colonial Secretary.
The Attorney-general.
The Colonial Treasurer.
Mr. Clifford.

Carried in the negative.

On the original question being put—

Ayes, 5 :—The Governor.
The Colonial Secretary.
The Attorney-general.
The Colonial Treasurer.
Mr. Clifford.

Noes, 3 :—Mr. Brown.
Dr. Martin.

Carried in the affirmative.

On motion of the Governor, it was Ordered—"That said Bill be engrossed, and that it be read a third time on Thursday the 20th instant."

On motion of the Governor, it was Ordered—"That the Land Tax Bill, the House Tax Bill and the Dog Tax Bill, be severally read a second time this day three months."

[Council adjourned to 11 o'clock on Tuesday the 18th June 1844.]

Tuesday, 18 June 1844.

Present.—All the Members.

THE Council met pursuant to adjournment.

The minutes of the last meeting were read and confirmed.

Mr. Brown presented a protest against the passing of the "Customs' Amendment Bill," No. 1. Protest received and read.

On motion of Mr. Brown, it was Ordered—"That the said Protest be entered on the Minutes, and printed."

PROTEST against the "Customs Amendment Bill," No. 1.

"I PROTEST against the passing of the "Customs Amendment Bill," No. 1, in so far as the same imposes a duty of five per cent. upon imports, of whatever description, or of whatever country the same may be the produce, other than the articles of spirits, wines, malt liquors and tobacco, as provided for in the Table of Duties of Customs, annexed to said Bill, upon the following grounds:—

"1. Because

" 1. Because the various establishments of Government are altogether disproportioned to the wants of the small body of colonists in this country, and the expense greatly beyond their means of payment; and the estimate of the expenditure for these establishments having been framed upon the hope, and passed through the Council by the votes alone of the official members upon the plea, that the Home Government would pay for such portion of the expenditure as the colonists might be unable to contribute; it is, therefore, unjust to attempt, by the grinding nature of taxes now objected to, to wring the full expenditure of this Government out of the people, in the present bankrupt condition of the colony.

" 2. Because, if the injustice alone of the tax is not sufficient to prevent its imposition, the expediency, at least, of refraining from the attempt, has been sufficiently proved by the evidence of the gentlemen examined before the Council on the present condition of the colony, with reference, particularly, to the present Bill, and the ability of the people to pay additional taxes. This evidence, (although the official members prevented any record of it from being kept), it will be in the recollection of the Council, clearly proved, that the colony is at present in a most embarrassed and depressed condition; that any capital hitherto invested has been unproductive; that the colonists have for the last four years been living upon, and exhausting their capital, that their debts to other countries far exceed their present means of payment; that this deplorable state of things has been the direct and necessary result of various impolitic measures of the Government itself, over which the people had no control; and that now they are not able to pay those taxes formerly imposed. If additional evidence of this were wanted, it is to be found in the fact, of the Executive Government having come to the determination of only paying a portion of the current salaries of the officers of Government, than which, it is believed, no stronger proof of the inability of the colonists could be adduced.

" 3. Because, from having had their expectations and prospects entirely destroyed by the acts of the Government, many of the colonists, for some time past, have been held here by the hope alone of all obstructions being removed, and beneficial measures originated by the Government; but the present tax, if passed, will inevitably fix the determination of many to leave the colony; and, therefore, tend to plunge this unfortunate settlement into still deeper distress.

" 4. Because, in imposing the taxes objected to, the condition of the present settlers has been entirely disregarded, reference being had alone to a future state of anticipated prosperity of the colony, which may certainly arise, but ought not to be built upon the ruin of those now here. It is, therefore, most unjust to sacrifice the present settlers, merely to keep up an expensive Government; especially when that Government appears to be satisfied if the colony itself shall ultimately prosper, heedless of the cost and ruin to the first settlers, who, instead of additional taxes being levied from them, have a good claim in justice for compensation from the Home Government, for the ruin brought upon them by the former acts of its servants here.

" 5. Because these taxes will be felt very oppressive, in so far as great numbers of the colonists are already reduced to the bare necessities of life, and many cannot even procure these, and are unable to pay any taxes whatever.

" 6. Because these taxes will also press very heavily upon emigrants arriving in the colony, in so far as they will be immediately forced to pay five per cent. upon the value of all goods which they may bring with them, and thereby do injury to them, as well as tend to prevent emigration and the introduction of British merchandize.

" 7. Because this colony almost entirely depends upon the neighbouring colonies for supplies of every description, which, to a great extent are sent here on consignment; but these taxes will in many instances prevent consignees from receiving the same; the effect of which will be to discourage the usual shipments of goods, and thereby greatly raise the price of every thing.

" 8. Because these taxes, along with the legal tender debenture currency pushed into circulation, to an extent greatly beyond the wants of the settlement, will destroy its commercial character, and imposed a fictitious value upon every description of property.

" 9. Because the tax is partial in its operation, and unjust in principle. It makes no distinction between a man possessed of much property, and one without any property. The tax being raised on the necessities of life, the poor man with a family of 10, is compelled to pay ten times as much as his rich neighbour with no family.

" 10. I have further to protest against this Bill, in so far as the same imposes a duty of 30 per cent. on all gunpowder. A proposition was made by the non-official members to impose a duty of one shilling per pound on all canister powder, with a view to discourage the use of powder amongst the natives; but the present tax of 30 per cent. will not have this good effect, while it will seriously injure the interests of those parties engaged in mining pursuits, where so much blasting powder will be required.

" 11. I have further to protest against this Bill, in so far as the same has been carried by the votes of the official members alone, contrary to the votes of the non-official members, and to the general wishes and interests of the community.

" And I request that this protest may be recorded in the Minutes of Council, and that an extract copy of the same, together with the Bill itself, may be transmitted to the Right honourable the Secretary of State for the Colonies, for the consideration of Her Majesty's Government.

(signed) " William Brown,

" Member of the Legislative Council."

" Auckland, 18 June 1844.

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The Governor laid on the table a "Bill to provide for the Establishment and Regulation of Municipal Corporations."

On motion of the Governor, it was Ordered, "That the said Bill be read a first time on Thursday the 20th instant."

The Governor laid on the table, a "Bill to repeal an Ordinance for prohibiting the Distillation of Spirits within the Colony of New Zealand."

On motion of the Governor, it was Ordered, "That the said Bill be read a first time on Saturday the 22d instant."

The Governor laid on the table a "Bill to amend an Ordinance for Licensing Auctioneers."

On motion of the Governor, it was Ordered, "That the said Bill be read a first time on Saturday, the 22d instant."

The Governor laid on the table a "Bill to amend an Ordinance to facilitate the transfer of Real Property, and to simplify the Law relating thereto."

On motion of the Governor, it was Ordered, "That the said Bill be read a first time on Saturday, the 22d instant."

The Attorney-general moved the order of the day for the second reading of the "Native Trust Bill."

Mr. Clifford gave notice that, on the consideration of the Bill, he should move, that between the fifth and sixth clauses the following clauses be inserted :—

"That in every district where there may be natives under the spiritual instruction of Christian ministers of different religious denominations, the trustees shall apply and expend the rents, issues and proceeds of the lands as aforesaid, in the erection of school-houses as aforesaid, and in the maintenance of the same, under such particular masters as the natives may desire to attend : Provided always, that he be a fit and proper person, and his moral character unimpeached ; and it shall be incumbent on the said trustees to establish and maintain such schools as last aforesaid, and to apply funds for the maintenance of the same, to and for their separate use, and in proportion to the numbers of each religious community.

"That for the purposes aforesaid, and in order to arrive at data by which to be guided in the distribution of the funds so to arise as aforesaid, the Christian ministers of the different religious denominations throughout the territory, shall be called upon by the trustees, as aforesaid, to furnish annually, on or about the day of , the names of the tribes or parts of tribes, the number of persons attached to said tribes, and the number of persons enrolled by him as desirous of attending a school under the religious superintendence of himself or others connected with him.

"And whereas difficulties may arise from conflicting reports of the numerical strength of the different religious denominations as aforesaid, it shall then and in that case be the duty of the traders as aforesaid, to take means, by the appointment of fit and proper persons, to take a census of the tribes so reported as aforesaid, and to ascertain their religious denomination, and the name of the master whose school they may be desirous to attend."

On clause 1 being read, Dr. Martin moved, "That the amendment of which he had given notice be now taken into consideration, and that the names of the gentlemen he was about to propose should be submitted to the Council separately."

A discussion arose, but Dr. Martin subsequently withdrew his amendment. Clause 1, put, and agreed to.

On clause 2, being read, Mr. Clifford moved, That the word "forthwith" be inserted in ninth line, after the word "shall." Clause, as amended, read and agreed to.

Clauses 3, and 4, read, and agreed to.

On clause 5, being read, Dr. Martin moved as an amendment, "That the words 'bodily and spiritual welfare' should be erased in 25th line, and the words 'physical, moral and intellectual improvement,' be inserted."

The Governor moved as a further amendment—"That the word 'general' be substituted for the words 'bodily and spiritual welfare ;'" but upon the explanation of the Attorney-general, withdrew his amendment. Dr. Martin subsequently withdrew his amendment.

Dr. Martin moved as an amendment, that after line 26 insert—"Provided always, that the masters and mistresses of such schools shall be of the same religious persuasion as the majority of the native people in the district where any such schools shall be established, and that the religious knowledge communicated by such master and mistress shall be in accordance with the religious principles and tenets of the majority of such native people.

Mr. Brown moved, an amendment upon Dr. Martin's amendment, to the following effect ; viz.—

"Religious instruction of a sectarian description not being in any manner the object of the trust."

On the question being put, that Mr. Brown's amendment be agreed to, Council divided—

Ayes 3 :—Mr. Clifford.
Mr. Brown.
Dr. Martin.

Noes 4 :—The Governor.
The Colonial Secretary.
The Attorney-general.
The Colonial Treasurer.

Carried in the negative.

On

On the motion of the Governor, it was Ordered, "That the further consideration of Native Trust Bill, be postponed to Saturday, the 22d instant."

[Council adjourned to 11 o'clock on Thursday, the 20th June 1844.]

Thursday, 20 June 1844.

Present.—All the Members.

THE Council met, pursuant to adjournment.

The minutes of the last meeting were read and confirmed.

Dr. Martin presented a petition from the inhabitants of Auckland against any further taxes being imposed. Petition received and read.

On motion of Dr. Martin, it was Ordered—"That said petition be entered on the minutes and printed."

"To his Excellency Robert FitzRoy, Esq., Governor and Commander-in-Chief of New Zealand and its dependencies, and to the Members of the Legislative Council thereof.

"The Petition of the undersigned Inhabitants of Auckland and its vicinity, sheweth,

"That your petitioners view with apprehension the additional taxation about being imposed upon New Zealand by the 'Customs Amendment Bill,' now before the Legislative Council, in as far as that Bill imposes a duty of five per cent. upon all merchandize other than fermented liquors and tobacco, and as their opinions on the subject cannot be better explained than by a resolution adopted at a public meeting of the inhabitants of Auckland, held this day at the Mechanics Institute, the petitioners take the liberty of embodying the same:—

"That the meeting views with much alarm and disappointment the measure now before the Legislative Council, for the purpose of imposing additional taxes upon the present impoverished community, and cannot refrain from stating their conviction, that if the same is carried into execution, it will have the effect of destroying the remaining trade and commerce of the colony, and of driving many of the settlers from the country in which, notwithstanding all their efforts, they can scarcely earn a bare subsistence for themselves and their families. This meeting is further of opinion, that instead of paying additional taxes, the extreme depression of the settlement ought to suggest the expediency of reducing the taxes already imposed; and it therefore appears highly unjust, as well as unreasonable, to expect, while the colony has for the last four years been rapidly sinking, and that by the very measures of the Government itself, that now additional taxation should be proposed, that was never thought of at a time when there was at least the appearance of prosperity."

"That your petitioners would therefore respectfully request, that no additional taxes would be imposed in the present depressed state of the colony, and in the impoverished condition of the inhabitants, as they conscientiously believe that it is not the intention of your honourable Council to oppress the present settlers, or retard the advancement of the colony, as the proposed taxes would most unquestionably be the means of doing.

"And your petitioners as in duty bound will ever pray." [Here follow 189 signatures.]

The Governor moved the order of the day for the third reading of the "Customs Amendment Bill."

Dr. Martin moved as an amendment, "That said Bill be read a third time this day six months." Council divided on Dr. Martin's amendment—

Ayes 3:—Mr. Clifford.
Mr. Brown.
Dr. Martin.

Noes 4:—The Governor.
The Colonial Secretary.
The Attorney-general.
The Colonial Treasurer.

Carried in the negative.

Bill read a third time.

Dr. Martin presented the following protest, which was read, and ordered to be entered on the minutes.

PROTEST against the "Customs Amendment Bill."

"Whereas the "Customs Amendment Bill," now under the consideration of this Council, is unjust, illegal and calculated to ruin the already impoverished population of this colony, by completely destroying the remaining trade and commerce of the country: And whereas the power sought to be obtained under this Bill is arbitrary, dangerous, oppressive and unconstitutional. Arbitrary, because the power has been assumed by the official members of this Council, in opposition to the non-official members, and contrary to the wishes and feelings of the people generally dangerous, because it places the property of every man in the colony at the command of the officers of this Government; oppressive, because it affects the necessities of life, such as food and clothing, and because many of the people are already so impoverished by the former unwise and impolitic measures of this Government, as not to be in a condition to procure for themselves and their families the barest necessities of life;

unconstitutional, because the people of this colony are not represented, and because no British subject should be taxed excepting by himself or his representative. I therefore protest against the passing of the said Customs Amendment Bill, on the above general grounds, and for the following special reasons:—

“ 1st. Because it is contrary to English law, to good government, and to the spirit of colonial policy.

“ 2d. Because the people of this colony have been and are so impoverished by the oppressive and unjust measures of this Government, as to be utterly unable, from their own means, to afford the payment of any additional taxes, a fact which has been sufficiently proved by the evidence already taken before the Council, all the gentlemen examined in evidence having declared that in consequence of the acts of the late government, in throwing discredit upon the titles of the first settlers, and preventing thereby the improvement of the lands held by these parties; in consequence of the delay on the part of the government in affording the recently arrived immigrants the opportunity of purchasing lands, on account of the high prices which these settlers were obliged to pay for these lands when sold, and because of sundry other impolitic and unjust acts of the local Government, the means of the settlers have so much decreased, that the colony is now bankrupt, and the people, as a whole, are not in a condition to pay five shillings in the pound.

“ 3d. Because this measure, whatever revenue may arise from it in the first instance, will in the end, by destroying the commercial relations upon which the very existence of the colony depends, have the effect of driving all the settlers out of it, and by so doing will impose upon Great Britain the whole expense of maintaining the local government.

“ 4th. Because the present revenue is more than adequate to the maintenance of an efficient government, such as this colony really requires, and such as the people would establish, provided they had (as they ought to have) the right of managing their own affairs.

“ 5th. Because this measure is in direct opposition to the promise of his Excellency the Governor, who, on his arrival in this colony, led the inhabitants to believe, that it was the intention of the Government to establish free trade in these islands, for which they are so eminently adapted; and because, by the passing of this Bill, smuggling will be increased and encouraged, to the manifest advantage of the immoral and dishonest, and to the ruin of the fair trader.

“ 6th. Because this measure establishes and has a tendency to perpetuate a system of indirect taxation, which is acknowledged to be unfair and unjust in its operations in every country, and more especially in a colony like New Zealand, where the dishonest have so many opportunities of evading the payment of such taxes; and because I believe that a system of direct taxation, founded on the basis of life and property, for the security of which all governments are or ought to be established, is the only natural, fair, just and impartial method of raising contributions from the people towards the maintenance of a government; a system which might have been established in this colony with advantage to the Government and the people.

“ 7th. Because this measure has been carried by the official members of this Council, in opposition to the non-official members, who are alone really interested in the prosperity of the colony; the former being irresponsible to the people, and having no interest in the colony beyond the simple discharge of their official duties, and the provision to be made for the payment of their own salaries.

“ 8th. Because the official members of this Council, in arranging that the officers of this Government should only receive half salaries until the pleasure of the Home Government shall have been made known to them, have thereby shown that the present rate of salaries is higher than the means of the settlers can afford, or their own services justify them in receiving; and also, that the condition of the people of this colony is such, that, instead of imposing additional taxes, humanity and common sense would suggest that the existing taxes should be reduced one half.

“ 9th. Because much of the expenditure of this Government is unnecessary, useless, extravagant and profligate; and—

“ Lastly, I protest against the passing of this Bill, because I honestly and conscientiously believe that the acts of this Government have ruined the present colonists, and that in consequence, the colony itself is on the eve of dissolution; and because I honestly and conscientiously believe that the Government of this colony has been, from its commencement, and to the present time, so unwise, impolitic, unjust and oppressive in its measures, as not only to prevent the advancement of any new colony, but such as would necessarily destroy and ruin any country, however prosperous it might have been. In support of the above statement I appeal to the fact, that this Council has refused to record the evidence heard before it on the present state of the colony, because it went unequivocally to prove that all the distress and suffering at present existing in this colony, are chiefly, if not solely, attributable to the conduct of the Local Government.

“ In conclusion, I have to request that this my protest, be recorded on the Minutes of this Council, and that a copy of the same be forwarded to Her Majesty's Principal Secretary of State for the Colonies, together with the “ Customs Amendment Bill.”

(signed) “ S. M. D. Martin.

“ Member of the Legislative Council.”

“ Auckland, 18 June 1844.”

Mr. Clifford also presented a protest against the said Bill passing, which was read, and ordered to be entered on the Minutes.

PROTEST

PROTEST against the "Customs Amendment Bill."

"I object to the passing of the 'Customs Amendment Bill' inasmuch as it imposes an increased taxation for the avowed purpose of meeting an expenditure, against which I have already entered my protest on the 'Appropriation Bill.'

"And I request that this my Protest be entered on the Minutes of Council.

(signed) "Charles Clifford,
"Member of the Legislative Council."

"Auckland, 20 June 1844."

The Governor then put the question, "That the Customs Amendment Bill do pass.
Council divided:—

Ayes 4:—The Governor.
The Colonial Secretary.
The Attorney-general.
The Colonial Treasurer.

Noes 3:—Mr. Clifford.
Mr. Brown.
Dr. Martin.

Carried in the affirmative.

His Excellency then gave his assent to the Bill.

The Governor moved the order of the day for further consideration of the Court of Requests Bill.

Upon motion of the Attorney-general, clause 9, amended Clause, as amended, read, and agreed to.

On clause 47 being read, the Governor moved the amendment of which he had given notice, but subsequently withdrew it. Dr. Martin then moved that the clause, as originally printed, do stand part of the Bill. Agreed to.

Dr. Martin then moved, that the petition which he had presented, praying that the Court of Requests Bill should come into immediate operation, be now read. Petition read accordingly.

On motion of the Attorney-general, it was Ordered—"That the following be added to the Table of Bailiff's Fees:—'Bailiffs, when in possession, per diem 2s. 6d.'"

On motion of the Governor, it was Ordered—"That said Bill be engrossed, and that it be read a third time on Tuesday the 25th instant."

The Governor moved the order of the day for the further consideration of the "Imprisonment for Debt Bill."

Clause 1, amended, by erasing the word "three," in 8th line, and inserting "two," in lieu thereof.

Clause as amended, read and agreed to.

Clause 4, read, and agreed to.

On motion of the Governor, it was Ordered—"That the Bill be engrossed, and that it be read a third time on Tuesday next, the 25th instant."

On motion of the Governor, the order of the day for the first reading of "Municipal Corporations' Bill," proceeded with. Bill read a first time accordingly.

On motion of the Governor, it was Ordered—"That the said Bill be read a second time on Tuesday, 25th June."

On motion of the Governor it was Ordered—"That the consideration of Dr. Martin's resolutions be postponed to Saturday, the 8th July."

[Council adjourned to 11 o'clock on Saturday, 22d June, 1844.]

Saturday, 22 June 1844.

Present.—All the Members.

THE Council met, pursuant to adjournment.

The minutes of the last meeting were read, and confirmed.

The Governor moved the order of the day for the further consideration of "Native Trust Bill."

Mr. Brown, according to notice, moved that clause 5, be amended, as follows:—Add to the end of clause, "Provided always, that although it is not the object of the Trust to establish schools wherein the peculiar tenets of any class of Christians shall be taught, yet the trustees shall have full power to set apart such portion of the funds as they may think proper, for aiding the efforts of the various missionary bodies and ministers of religion, such assistance to be in proportion to the numbers of the native people under the charge of such missionaries or ministers of religion."

After considerable discussion, the Attorney-general moved an amendment upon Mr. Brown's amendment, to the following effect; viz.—Add to end of clause 5, "Provided that nothing herein contained shall prevent the said trustees from contributing towards the support of schools established otherwise than under the provisions of this Ordinance, upon proof being given to the satisfaction of such trustees, that an efficient system of instruction and discipline is pursued therein, with a view to the objects hereinbefore mentioned."

On the question being put, that the Attorney-general's amendment be agreed to:—

Ayes 1 :—The Attorney-general.

Noes 5 :—The Colonial Secretary.
The Colonial Treasurer.
Mr. Clifford.
Mr. Brown.
Dr. Martin.

The Governor declining to vote.
Carried in the negative.

On the question being put, that Mr. Brown's amendment be agreed to:—

Noes 4 :—The Governor.
The Colonial Secretary.
The Attorney-general.
The Colonial Treasurer.

Ayes 3 :—Mr. Clifford.
Mr. Brown.
Dr. Martin.

Carried in the negative.

Dr. Martin, according to notice, moved the following amendment:—"Provided always, that the masters and mistresses of such schools shall be of the same religious persuasion as the majority of the native people in the district where any such schools shall be established, and that the religious knowledge communicated by such master and mistress, shall be in accordance with the religious principles and tenets of the majority of such native people."

On the question being put, that Dr. Martin's amendment be agreed to:—

Noes 5 :—The Governor.
The Colonial Secretary.
The Attorney-general.
The Colonial Treasurer.
Mr. Clifford.

Ayes 2 :—Mr. Brown.
Dr. Martin.

Carried in the negative.

The Governor moved that the said clause be amended as follows:—"At end of 5th clause add 'such schools—provision for the relief of the sick, religious instructions, or other advantages, not being exclusively confined to persons of any one particular religion, but proportionally dispensed to the inhabitants of New Zealand generally.'"

On the question being put, that the amendment be agreed to:—

Ayes 4 :—The Governor.
The Colonial Secretary.
The Colonial Treasurer.
Mr. Clifford.

Noes 3 :—The Attorney-general.
Mr. Brown.
Dr. Martin.

Carried in the affirmative.

Clause, as amended, read and agreed to.

Mr. Clifford requested permission to withdraw the amendment of which he had given notice.

Clause 6, read and agreed to.

On clause 7, being read, the Attorney-general moved, that the blank in the said clause be filled up by inserting the words "ninety-nine." Agreed to.

Clauses 8, 9, 10, 11, 12 and 13, read, and agreed to.

On the 14th clause being read, the Governor moved that the words "in accordance with the provisions of this Ordinance," be added. Agreed to.

Clauses 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, read, and agreed to.

On clause 27, being read, Dr. Martin moved as an amendment, "That clause be amended by adding at the end thereof the words, 'and the said trustees shall furnish copies of such general statement and estimate, with the appropriation of the annual income, to be laid before the Legislative Council at their next meeting; and the trustees shall also publish the same in the Government Gazette, and in one or more of the newspapers which may be published in the colony.'"

Clause as amended, read, and agreed to.

Clause 28 read, and agreed to.

On motion of the Governor, it was Ordered, "That said Bill be engrossed, and read a third time on Thursday, the 27th June."

[Council adjourned to 11 o'clock on Tuesday, the 25th June 1844.]

Tuesday, 25 June 1844.

Present.—All the Members.

The Council met, pursuant to adjournment.

The minutes of the last meeting were read, and confirmed.

The Governor laid on the table a memorial of the Auckland Total Abstinence Society, against the "Distillation Repeal Bill." Memorial received, and read.

The Governor moved the order of the day for the first reading of the "Distillation Repeal Bill." Bill read a first time accordingly.

The Attorney-general gave notice, that on the second reading of said Bill, he would move that the same be amended, by annexing the 2d clause to the 1st, and by inserting a clause defining the period at which the Ordinance should come into operation.

On

—On motion of the Governor, it was Ordered, "That said Bill be read a second time on Thursday, the 27th instant."

The Governor moved the order of the day for the first reading of the "Auctioneers' Amendment Bill." Bill read a first time accordingly.

The Governor gave notice that he would move that the blank in 2d clause be filled up with the word "forty."

The Colonial Treasurer gave notice that he would move, as an amendment, that the blank be filled up with the words "twenty-five."

On motion of the Governor, it was Ordered—"That said Bill be read a second time on Thursday, the 27th instant."

The Governor moved the order of the day for the first reading of the "Conveyancing Amendment Bill." Bill read a first time accordingly.

On motion of the Governor, it was Ordered—"That said Bill be read a second time on Thursday, the 27th instant."

The Governor laid on the table the following Bills—

1. Unsworn Testimony Bill.
2. Cattle Trespass Ordinance Amendment Bill.
3. Summary Proceedings' Amendment Bill.
4. Harbour Regulations Amendment Bill.

On motion of the Governor, it was Ordered—"That the said Bills be severally read a first time on Thursday, the 27th instant."

On motion of the Governor, it was Ordered—"That the third reading of the 'Court of Requests Bill,' and the 'Imprisonment for Debt Bill,' be postponed, and that the second reading of the 'Municipal Corporations' Bill' be proceeded with."

The Governor read to the Council a portion of a despatch dated 9th January 1843, disallowing the Municipal Corporation's Ordinance.

Clauses 1 to 43, inclusive, read and agreed to.

On clause 44 being read, Mr. Brown gave notice that he would move as an amendment, that said clause be expunged.

On motion of the Attorney-general, it was Ordered—"That consideration of clause be further postponed."

Clauses 45 to 83 inclusive, read, and agreed to.

The Attorney-general gave notice that, on the further consideration of said Bill, he will move that the following clause be added after the 83d—"This Ordinance shall not come into operation until it shall have received the Royal confirmation, and the notification of such confirmation shall have been made in the Government Gazette, by order of his Excellency the Governor of New Zealand for the time being."

On motion of the Governor—"The order of the day for the third reading of the 'Imprisonment for Debt Bill' proceeded with."

Bill read a third time, and passed.

[Council adjourned to 11 o'clock on Thursday, the 27th June 1844.]

Thursday, 27 June 1844.

Present:—All the Members.

THE Council met, pursuant to adjournment.

The minutes of the last meeting were read, and confirmed.

The Governor moved the order of the day for the third reading of the "Court of Requests Bill." Bill read a third time, and on motion of the Governor, said Bill passed.

On motion of the Governor, the further consideration of the "Municipal Corporations' Bill" proceeded with.

Mr. Brown, according to notice, moved that the 44th clause be expunged.

The Attorney-general moved, as an amendment upon Mr. Brown's amendment, that the words "forty pounds" be erased, and the words "ten pounds" be inserted in lieu thereof.

On the question being put, carried in the affirmative.

On motion of the Governor, the following clause was added after the 83d clause—"This Ordinance shall not come into operation until it shall have received the Royal confirmation, and the notification of such confirmation shall have been made in the Government Gazette, by order of his Excellency the Governor of New Zealand for the time being."

On motion of the Governor, it was Ordered—"That said Bill be engrossed, and read a third time on Thursday, the 4th July."

The Governor moved the order of the day for the second reading of the "Distillation Repeal Bill."

Clause 1, read, and agreed to.

On clause 2, being read, the Attorney-general moved that the following clause be inserted in lieu thereof—"This Ordinance shall not come into operation until it shall have received the Royal confirmation, and the notification of such confirmation shall have been made in the Government Gazette, by order of his Excellency the Governor of New Zealand for the time being."

On clause 2, as amended, being read, Dr. Martin moved as an amendment—"That this Ordinance be brought into immediate operation."

On the question being put that Dr. Martin's amendment be agreed to, Council divided—

Ayes 3 :—Mr. Clifford.
Mr. Brown.
Dr. Martin.

Noes 4 :—The Governor.
The Colonial Secretary.
The Attorney-general.
The Colonial Treasurer.

Carried in the negative.

Clause 2, as amended, read and agreed to.

On motion of the Governor, it was Ordered—"That said Bill be engrossed, and read a third time on Thursday, the 4th July."

The Attorney-general moved the order of the day for the second reading of the "Auctioneers Amendment Bill."

Clause 1, read, and agreed to.

Clause 2, read, and blank filled up with the word "forty."

On motion of the Governor, it was Ordered—"That said Bill be engrossed, and read a third time on Saturday, the 29th instant."

The Attorney-General moved the order of the day for the second reading of the "Conveyancing Amendment Bill."

Clauses 1, 2, and 3, read, and agreed to.

On motion of the Governor, it was Ordered—"That said Bill be engrossed, and read a third time on Saturday, the 29th instant."

[Council adjourned to 11 o'clock on Saturday, 29th June 1844.]

Saturday, 29 June 1844.

Present.—All the Members.

THE Council met, pursuant to adjournment.

The minutes of the last meeting were read, and confirmed.

The Colonial Secretary moved the order of the day for the first reading of the "Harbour Regulations' Amendment Bill."

Bill read a first time accordingly.

On motion of the Governor, it was Ordered—"That said Bill be read a second time on Tuesday, the 2d July."

The Colonial Secretary moved the order of the day for the first reading of the "Summary Proceedings' Amendment Bill."

Bill read a first time accordingly.

On motion of the Governor, it was Ordered—"That said Bill be read a second time on Tuesday, the 2d July."

The Colonial Secretary moved the order of the day for the first reading of the "Unsworn Testimony Bill."

Bill read a first time accordingly.

On motion of the Governor, it was Ordered—"That said Bill be read a second time on Tuesday, the 2d July."

The Colonial Secretary moved the order of the day for the first reading of the "Cattle Trespass Amendment Bill."

Bill read a first time accordingly.

Mr. Clifford gave notice, that on the second reading he would move an amendment to said Bill.

On motion of the Governor, it was Ordered—"That said Bill be read a second time on Tuesday, the 2d July."

The Governor moved the order of the day for the third reading of the "Native Trust Bill."

Clauses 1, 2, 3, and 4 read.

On clause 5 being read, the Governor moved that clause be amended, by erasing the word "any," and also erasing all words after the word "religion," to the end of clause. Carried in the affirmative.

Remaining clauses of Bill read.

On the question being put that said Bill do pass—Mr. Clifford, Mr. Brown, and Dr. Martin, conjointly tendered the following protest, which was read, and ordered to be entered on the minutes :—

PROTEST against the "Native Trust Bill."

"We protest against the passing of the 'Native Trust Bill,' in so far as it leaves in the hands of the trustees unlimited power to teach, in the schools to be established under the trust, the religious opinions of a particular class of Christians, to the exclusion of those of every other class.

"Looking to the vast interests comprehended under this Bill, the vast amount of property that may be held under it, the highly philanthropic object which it seeks to obtain, and its success or failure involving perhaps the existence of the aboriginal inhabitants, and the prosperity of the colonists generally, it is of the greatest importance that the principles of the Bill should be of such a character as to claim the good wishes and co-operation of every friend

friend of the aborigines; but more particularly to claim and deserve the assistance of the various local missionary bodies, as well as of the parent societies in Europe. But this Bill cannot claim such confidence; inasmuch as the religion to be taught in the schools established under the trust, is to be altogether left to the trustees, who must be expected, perhaps conscience will make it their duty, to carry out, so far as they can, their own religious views, giving at once a sectarian character to the trust, destroying thereby its usefulness, and creating a spirit of intolerance and religious discord amongst the natives and various missionary bodies here (symptoms of which are already manifesting themselves); for these reasons therefore, and because the official members have refused to insert in the Bill a clause, so as either to confine the religious instruction in the schools to the great principles of christianity, excluding the peculiar tenets of each denomination of Christians; or, if such class religion is to be taught, because the Bill does not contain a provision to support, alike, all denominations of Christians according to the numbers of native people belonging thereto. For these reasons we protest against this Bill, and request that the same be recorded in the Minutes of Council, and an extract copy thereof, along with the Bill itself, forwarded to the Right honourable the Secretary of State for the Colonies, for the consideration of Her Majesty's Government.

(signed) " Wm. Brown,
" S. M. D. Martin,
" Chas. Clifford,
" Members of the Legislative Council."

Auckland, 27 June 1844.

On the original question being put, Council divided—

Ayes 4:—The Governor.	Noes 3:—Mr. Clifford.
The Colonial Secretary.	Mr. Brown.
The Attorney-general.	Dr. Martin.
The Colonial Treasurer.	

Carried in the affirmative.

His Excellency then gave his assent to the Bill.

The Governor moved the order of the day for the third reading of the " Auctioneers' Amendment Bill." Bill read a third time and passed.

On the order of the day being moved for the third reading of the " Conveyancing Amendment Bill," the Attorney-general moved, that the third reading be postponed to Tuesday, 2d July, and that the following clause be added after the 4th clause—" And whereas by the said recited Ordinance it is enacted, that ' no land shall pass by any contract for the purchase of land,' and, by reason of the extended meaning given to the word ' land,' in the interpretation clause of the said Ordinance, doubts have arisen whether the equitable jurisdiction of the Supreme Court in respect of such contracts is not diminished or affected by the said enactment: Be it therefore declared and enacted, that the rules of courts of equity in England touching the operation and enforcement of contracts for the purchase of land, shall be adopted and followed in all cases in the Supreme Court of this colony, anything in the said Ordinance contained notwithstanding."

[Council adjourned to 11 o'clock on Tuesday, the 2d July 1844.]

Tuesday, 2 July 1844.

Present.—All the Members.

THE Council met, pursuant to adjournment.

The minutes of the last meeting were read, and confirmed.

The Governor informed the Council, that it was his intention to introduce a Bill to amend the Licensing Ordinance, by authorizing the Governor, with the advice of the Executive Council, to grant licenses to persons living in the interior of the country, upon such conditions and restrictions as may be declared by the Governor, with the advice of the Executive Council.

The Colonial Treasurer moved the order of the day for the second reading of the " Union Bank of Australia Bill."

On motion of the Governor, consideration of preamble postponed.

On clause 1, being read, Mr. Brown moved, that clause be amended by inserting after the word " Company," in 18th line, the following—" or against the said Banking Company, according to the ordinary course of law, as the person by whom such proceedings may be commenced shall think fit."

On the question being put, that Mr. Brown's amendment be agreed to, carried in the affirmative.

Clause 1, as amended, read, and agreed to.

Clauses 2, 3, 4, 5, 6, 7, 8 and 9, read, and agreed to,

On clause 10 being read, Mr. Brown moved, that the same be amended as follows—" After the word ' Gazette,' insert ' Provided always, that such notice of retirement or omission in such list shall not absolve such person from any previous liability.' "

The Governor moved that the said clause be amended by inserting the words " to be sued," after the word " liable," in second line. Clause amended accordingly.

The Attorney-general moved that the marginal reference be amended, by inserting the following words, " liability of members to be sued as such, when to cease."

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Clause 10, as amended, read, and agreed to.

On clause 11 being read, the Governor moved—"That after the words 'Supreme Court,' in 3d line, insert, 'in each division;' also erase the word 'sixty,' in 4th line, and insert 'one hundred,'" Clause, as amended, read and, agreed to.

Clauses 12, 13, 14, 15, 16 and 17 read, and agreed to.

Mr. Brown moved that the following clause be added after the 17th clause—"And whereas it is expedient, in order to protect the public from the evils which might arise from an unlimited issue of a paper currency, to interpose some check upon the same: Be it therefore enacted, that six months after the passing hereof, all promissory notes or bank post bills of the said bank shall be payable in the current coin of Great Britain, and the manager or managers of said branch or branches of said Company, shall keep or cause to be kept, accounts of the weekly issues of such promissory notes, and shall make up a monthly average account of the same; such account, along with a statement verified on oath by the said manager, showing the assets and liabilities of the Bank at its various branches in New Zealand, shall be made up on the first day of April, and the first day of October, in each year, and the said manager or managers shall, within one month after these dates respectively, cause the same to be inserted in one or more of the local newspapers, and shall forward by the first opportunity after said accounts have been prepared, a copy of the same for insertion in the Government Gazette, and if any manager shall fail or neglect to keep such accounts as aforesaid, or to publish the same, he shall be liable to a penalty of 100*l.* which may be recovered by action of debt in the Supreme Court by any person who may sue for the same.

On the question being put, that Mr. Brown's amendment be agreed to, the Colonial Secretary moved that the further consideration of clause be postponed until Thursday, 4th instant.

Clauses 18 and 19 read, and agreed to.

Mr. Clifford gave notice, that on the further consideration of said Bill, he would move a clause to the effect that the said Ordinance should not come into operation until confirmed by Her Majesty.

The Governor laid on the table—The Native Exemption Bill and the German Naturalization Bill.

Ordered—"That said Bills be read a first time on Thursday, the 4th July."

[Council adjourned till 11 o'clock on Thursday, 4th July 1844.]

Thursday, 4 June 1844.

Present.—All the Members.

THE Council met, pursuant to adjournment.

The minutes of the last meeting were read, and confirmed,

The Colonial Secretary moved the order of the day for the further consideration of the "Union Bank of Australia Bill."

Mr. Brown requested permission to substitute the following amendment, in lieu of that of which he had given notice; viz—"And be it enacted, that from and after the 31st day of December 1844, all promissory notes issued by the said Company payable to bearer, at sight or on demand, shall bear date at the place where they are issued, and shall be paid and payable there in sterling money, or other legal tender of the colony."

On the question being put, that clause, as proposed, do stand part of the Bill, carried in the affirmative.

Mr. Clifford, according to notice, moved that the following clause be added—"This Ordinance shall not come into operation until it shall have received the Royal confirmation, and until such confirmation shall have been notified accordingly in the New Zealand Government Gazette, by order of His Excellency the Governor of New Zealand for the time being."

The Colonial Secretary moved as an amendment the following clause—"Be it enacted, that this Ordinance shall come into operation on the first day of January 1845."

On the question being put, that the Colonial Secretary's amendment be agreed to, Council divided—

Ayes 5 :—The Governor.
The Colonial Secretary.
The Colonial Treasurer.
Mr. Brown.
Dr. Martin.

Noes 2 :—The Attorney-general.
Mr. Clifford.

Carried in the affirmative.

Dr. Martin moved that clause nine be amended, by erasing the words "within sixty days after the passing of this Act, and thereafter," and inserting "in the month of January 1845, and"; also, that clause 11 be amended by erasing the words "within sixty days after the passing of this Act," and inserting, "in the month of January 1845;" also, that clause 1, be amended, by striking out the words, "shall and," also, by striking out the word "shall," in the 16th line, and inserting the word "may" in lieu thereof. Agreed to.

Schedules 1 and 2 read, and agreed to.

On the preamble being read, Dr. Martin moved that the word "are," in the 5th line, be erased,

erased, and the words "may be," inserted in lieu thereof, but subsequently withdrew his amendment.

The Attorney-general moved that the word "island," in the 5th and 7th lines, be erased, and the word "colony" inserted in lieu thereof.

Preamble read, and agreed to.

On motion of the Governor, it was Ordered—"That Bill be read a third time on Saturday, the 6th instant."

On motion of the Governor, the "Conveyancing Amendment Bill" read, and passed.

On motion of Dr. Martin, the third reading of the "Distillation Repeal Bill" postponed to Saturday, the 6th instant.

On motion of the Attorney-general, the second reading of the "Cattle Trespass Amendment Bill" proceeded with.

The Attorney-general gave notice, that on the consideration of clause 1, he would move that the words "of a credible witness," in 19th line, be erased; and that the following words be inserted, "of two credible witnesses, competent from practical knowledge or otherwise, to estimate the same."

Preamble read, and agreed to.

On clause 1, being read, the Attorney-general moved that the words "of a credible witness," be erased, and that the words "of two witnesses, competent from practical knowledge or otherwise, to estimate the same" be inserted in lieu thereof.

Clause 1, as amended, read, and agreed to.

Clause 2, read, and agreed to.

Clause 3, read, and blank filled up, by inserting the words "first day of October 1844."

On motion of the Governor, it was Ordered—"That said Bill be engrossed, and read a third time on Tuesday, the 9th July."

The Governor laid on the table the "Dog Nuisance Bill." Ordered—"That said Bill be read a first time on Tuesday, the 9th July."

[Council adjourned to 11 o'clock on Saturday, 6th July 1844.]

Saturday, 6 July 1844.

Present:—All the Members.

THE Council met, pursuant to adjournment.

The Minutes of the last meeting were read, and confirmed.

Dr. Martin presented a petition from 123 inhabitants of Auckland and its vicinity, praying that the Distillation Repeal Ordinance be brought into immediate operation. Petition received and read, and ordered to be entered on the minutes.

"To his Excellency Robert Fitzroy, Esq., Captain in Her Majesty's Royal Navy, Governor and Commander-in-Chief in and over the Colony of New Zealand and its Dependencies, and to the Honourable the Legislative Council thereof:—

"The Petition of the undersigned inhabitants of Auckland and its vicinity, humbly sheweth—

"That your Petitioners have heard with great disappointment that it is not the intention of your Excellency and your honourable Council to permit the Distillation Ordinance to come into operation till it has received the Royal Assent.

"That although your Petitioners are aware that such assent is necessary to all measures passed by your Excellency and your honourable Council, yet, believing that such a measure calculated to do a great amount of good, by encouraging agriculture, and keeping a large amount of capital in the colony, would be sure to receive the confirmation of the Home Government, they did hope it would have come into immediate operation.

"Your petitioners, therefore, earnestly pray your Excellency and your honourable Council will consent to allow the said Bill to come into immediate operation, feeling assured that by so doing, an immediate benefit will be conferred on the inhabitants of this colony generally.

"And, as in duty bound, your Petitioners will ever pray.

[Here follow 123 signatures.]

Dr. Martin moved that petition be taken into consideration on the third reading of the "Distillation Repeal Bill."

Dr. Martin requested permission to withdraw the second and third resolutions, of which he had given notice, and to substitute the following in lieu thereof; viz.—

"That this Council shall, on an early day, take into consideration the present condition of the aborigines of this colony, and examine in evidence competent persons for the purpose of ascertaining the probable increase or decrease of the native population; the causes of such increase or decrease; the prevalence of disease; its increase or decrease since the settlement of Europeans in this country; the causes of such diseases, distinguishing the extent and prevalence of diseases peculiar to the country, from those which have been introduced by Europeans; the best means of arresting the progress of such diseases, and how far, and in what manner, the benefits of medical skill can be afforded to the natives generally; and that the evidence so taken be recorded, for the purpose of being forwarded by his Excellency the Governor to the Principal Secretary of State for the Colonies."

On motion of the Governor, it was Ordered—"That Dr. Martin's resolution be taken into consideration on Saturday the 13th July."

The Colonial Secretary moved the order of the day for the further consideration of Dr. Martin's resolution respecting emigration. After considerable discussion Dr. Martin moved that the further consideration of the subject be postponed to Saturday, the 13th instant.

The Colonial Treasurer moved the order of the day for the further consideration of the 'Distillation Repeal Bill.'

Dr. Martin then moved that the petition in favour of the "Distillation Repeal Bill" should be taken into consideration. Petition read. After some discussion the Attorney-general moved that an additional clause to the following effect be inserted—"Provided always, and be it enacted, that no person who shall enter into or carry on the business of a distiller, shall be entitled to or claim any compensation for any loss that he may sustain by reason of this Ordinance being disallowed by Her Majesty, or being at any time repealed by the Legislative Council of the colony, or by any law that may be enacted for the prevention of distillation within the colony."

On motion of the Governor, it was Ordered—"That the third reading of said Bill be postponed to Thursday, the 11th instant."

The Attorney-general moved the order of the day for the second reading of the "Unsworn Testimony Bill."

Preamble read, and agreed to.

On clause 1, being read, the Attorney-general moved, that clause be amended by inserting after the words "New Zealand," "or of the countries adjacent thereto."

On motion of the Attorney-general, it was Ordered—"That further consideration of said Bill be postponed to Tuesday, the 9th instant."

[Council adjourned to 11 o'clock on Tuesday, the 9th July 1844.]

Tuesday, 9 July 1844.

PRESENT.—All the Members.

The Council met, pursuant to adjournment.

The minutes of the last meeting were read, and confirmed.

Mr. Clifford presented a petition from certain of the agriculturists and owners of land and cattle, against the "Cattle Trespass Amendment Bill." Petition received, and read.

The Governor moved the order of the day for the further consideration of the "Unsworn Testimony Bill."

The Attorney-general, according to notice, moved that clause 1, be amended, by inserting after the words "New Zealand," in first line, the words "or of countries adjacent thereto."

The Governor moved that the word "aboriginal" be inserted before the word "native," in first line. Agreed to.

Clause as amended, read and agreed to.

The Attorney-general moved that the following clause be inserted—"All persons of whose parents one only shall be of the aboriginal race, shall be deemed and taken to be of the aboriginal race within the provisions of this Ordinance."

On the question being put, that clause as proposed, be agreed to, carried in the affirmative.

Clause read and agreed to.

On motion of the Governor, it was Ordered—"That said Bill be engrossed and read a third time on Tuesday, the 16th instant."

The Attorney-general moved the second reading of the "Summar Proceedings Amendment Bill."

Preamble read, and agreed to.

On clause 1, being read, on motion of the Governor, it was Ordered—"That the words 'it is now,' in first line, be erased." Clause as amended read, and agreed to.

On motion of the Governor, it was ordered—"That said Bill be engrossed and read a third time on Tuesday, the 16th instant."

The Attorney-general moved the order of the day for the second reading of the "Harbour Regulations' Amendment Bill."

Preamble read, and agreed to.

Clauses 1 and 2 read, and agreed to.

On motion of the Governor, it was Ordered—"That said Bill be engrossed, and read a third time on Tuesday, the 16th instant."

The Governor moved the order of the day for the first reading of the "Native Exemption Bill." Bill read a first time accordingly.

The Governor gave notice that on the second reading of said Bill, he would move that the 13th clause be struck out.

The Attorney-general gave notice, that on the second reading he would move that in 27th line, after the word "shall," the following be inserted, "except when the ordinary course of proceeding shall be sanctioned by such special authority as aforesaid."

On motion of the Governor, it was Ordered—"That said Bill be read a second time on Thursday, 11th instant."

The Attorney-general moved the order of the day for the first reading of the "German Naturalization Bill." Bill read a first time accordingly.

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On motion of the Governor, it was Ordered—"That said Bill be read a second time on Thursday, the 11th instant."

The Colonial Secretary moved the order of the day for the third reading of the "Municipal Corporations' Bill." Bill read a third time, and passed.

[Council adjourned to 11 o'clock on Thursday, 11th July 1844.]

Thursday, 11 July 1844.

Present.—All the Members.

THE Council met, pursuant to adjournment.

The minutes of the last meeting were read, and confirmed.

The Colonial Treasurer moved the order of the day for the third reading of the "Union Bank Bill."

Bill read a third time and passed.

On the order of the day being moved for the third reading of the "Cattle Trespass Amendment Bill," the Governor directed that the petition presented by Mr. Clifford be again read, for the information of the Council.

The Governor moved the order of the day for the third reading of the "Cattle Trespass Amendment Bill."

Bill read a third time, and passed.

The Colonial Secretary moved the order of the day for the third reading of the "Distillation Repeal Bill."

Preamble and clause 1, read, and agreed to.

The Attorney-general moved, that the clause of which he had given notice be inserted.

On the question being put, that clause as proposed be agreed to, Council divided—

Ayes 4 :—The Governor.

The Colonial Secretary.

The Attorney-general.

The Colonial Treasurer.

Noes 3 :—Mr. Clifford.

Mr. Brown.

Dr. Martin.

Carried in the affirmative.

Clauses 2 and 3, read and agreed to.

Bill read a third time, and passed.

The Colonial Secretary moved the order of the day for the first reading of the "Dog Nuisance Bill."

Bill read a first time accordingly.

Mr. Clifford gave notice, that on the second reading of said Bill, he would move that the following words be inserted after the word "without," in 5th line, viz., "a collar with the name of the owner legibly engraved thereon."

The Governor gave notice, that on the second reading of said Bill, he would move that the word "temporarily" be inserted in 7th clause.

On motion of the Governor, it was Ordered—"That said Bill be read a second time on Saturday, 13th instant."

The Attorney-general moved the order of the day for the second reading of the "Native Exemption Bill."

Preamble read, and agreed to.

On clause 1, being read, the Attorney-general moved that the words "the chiefs," in 17th line, be erased, and the words "two principal chiefs of the tribe," be inserted in lieu thereof. Clause, as amended, read, and agreed to.

Clause 2, as amended by the Attorney-general, read, and agreed to.

Clauses 3, 4 and 5, read, and agreed to.

On clause 6, being read, the Governor moved that the clause be amended by inserting the words "rape or," in the 23d line, after the word "crimes." Clause, as amended, read, and agreed to.

Clauses 7, 8, 9, 10, 11 and 12, read, and agreed to.

On clause 13 being read, the Governor moved, that clause be erased. Agreed to.

Schedule read, and agreed to.

On motion of the Governor, it was Ordered—"That the said Bill be engrossed, and read a third time on Tuesday, the 16th instant."

The Attorney-general moved the order of the day for the second reading of the "German Naturalization Bill."

Bill read a second time accordingly.

On motion of the Governor, it was Ordered—"That said Bill be engrossed, and read a third time on Tuesday, the 16th instant."

The Governor laid on the table the following Bills—1. Land Claimants' Estate Bill ; 2. Licensing Amendment Bill.

Ordered—"That said Bills be read a first time on Saturday, the 13th instant.

[Council adjourned to 11 o'clock on Saturday, 13th July 1844.]

Saturday, 13 July 1844.

Present.—All the Members.

THE Council met, pursuant to adjournment.

The minutes of the last meeting, were read and confirmed.

Dr. Martin moved that the Council should inquire into the operation of the Post-office regulations, and that the result of such inquiry be forwarded to the Secretary of State for the Colonies.

Ordered—"That the said motion be taken into consideration on Tuesday, the 16th instant; that Mr. Connell, Mr. Hogg and Mr. Mathew be requested to attend Council on that day, and that their evidence be taken down in writing by the clerk of Council."

Mr. Brown presented a petition from W. Trusted, merchant, of Hokianga.

On motion of the Governor, it was ordered—"That petition be read, and taken into consideration on Tuesday, the 16th instant."

The Colonial Secretary moved the order of the day for the consideration of Dr. Martin's resolution.

Mr. Brown, according to notice, moved the following resolution in lieu of the resolution proposed by Dr. Martin; viz.—

"That this Council deem it unnecessary to occupy time in examining witnesses on the subject referred to in the resolution proposed by Dr. Martin; the Council being already fully satisfied that the present system of colonization, in particular the 'Land Sales' Act, is inapplicable to the colony; that important modifications are also necessary in the present system of pre-emption over the lands of the aborigines; and that a report should be prepared, embracing the particular views of the Council on these subjects, with the reasons upon which the same are founded, in order that his Excellency the Governor may forward the same to the Secretary of State for the Colonies."

Dr. Martin requested permission to withdraw his resolution

On motion of the Governor, Mr. Brown's resolution read, and adopted by the Council.

Mr. Brown gave notice that he would present a specific report, founded on the foregoing resolution, on Thursday, the 18th instant.

Dr. Martin, according to notice, moved his resolution relative to the present condition of the aborigines in this colony. After some discussion, Dr. Martin withdrew his resolution, on the understanding that the Executive Government would take the subject into their consideration, and forward a comprehensive report thereon, to the Secretary of State for the Colonies.

The Governor moved the order of the day for the second reading of the "Dog Nuisance Bill."

Preamble read, and agreed to.

On clause 1, being read, Mr. Clifford moved the amendment of which he had given notice.

On the question being put, that amendment be agreed to, Council divided.

Ayes, 3 :—The Governor.
The Colonial Secretary.
Mr. Clifford.

Noes, 4 :—The Attorney-general.
The Colonial Treasurer.
Mr. Brown.
Dr. Martin.

Carried in the negative.

Clause 1, as printed, read, and agreed to.

On clause 2, being read, Mr. Clifford moved, that clause be amended, by adding to the end thereof: "Provided always, that if such dog shall have a collar, with the name of the owner legibly engraved thereon, the same shall be restored to the person claiming the same, on payment of the sum of 2s. 6d."

Clause as amended, read, and agreed to.

Clauses 3, 4, 5 and 6, read, and agreed to.

On clause 7, being read, the Governor moved that the words "or keeper," be inserted in last line.

Clause as amended, read, and agreed to.

On motion of the Governor, it was Ordered—"That said Bill be engrossed and read a third time on Thursday, the 18th instant.

The Governor moved the order of the day for the first reading of the Land Claimants' Estate Bill."

Bill read a first time accordingly.

On motion of the Governor, it was Ordered—"That said Bill be read a second time on Tuesday, the 16th instant."

The Colonial Treasurer moved the order of the day for the first reading of the "Licensing Amendment Bill."

Bill read a first time accordingly.

The Attorney-general gave notice, that on the second reading he would move that the first clause be amended as follows—"Such Licenses shall not be granted at any time beyond the expiration of two years after the arrival of the first police magistrate appointed to reside at such new settlement."

The Attorney-general gave notice, that on the second reading he would move that the 15th line be erased.

"The Attorney-general gave notice, that on the second reading he would move that clause

clause 8, be amended to the effect—"That where the term 'male' is used, it shall be understood to include females as well."

On motion of the Governor it was Ordered—"That said Bill be read a second time on Tuesday, the 16th instant."

[Council adjourned to 11 o'clock on Tuesday, the 16th July 1844.]

Tuesday, 16 July 1844,

Present:—All the Members.

THE Council met, pursuant to adjournment.

The Minutes of the last meeting were read, and confirmed.

On motion of the Governor, it was Ordered—"That the Council do meet on Wednesday, at 12 o'clock."

The Governor moved, that the seven first orders of the day be postponed, and that the "Lands Claimants' Bill," and the "Licensing Amendment Bill," be read a second time, to afford an opportunity of having them engrossed, and read a third time to-morrow. Agreed to.

On motion of the Governor, the order of the day for the second reading of the "Land Claimants' Estate Bill," was proceeded with.

Preamble and clause 1, read, and agreed to.

On motion of the Governor, it was Ordered—"That the further consideration of the Bill be postponed."

The Governor moved the order of the day for the second reading of the "Licensing Amendment Bill."

Preamble read, and agreed to.

On clause 1, being read, the Attorney-general moved the amendment of which he had given notice.

Clause 1, as amended, read, and agreed to.

On clause 2, being read, the Attorney-general moved, that line 15 be erased. Agreed to.

The Colonial Treasurer moved, that all words after "meet," in the 20th line, to end of clause be erased, but subsequently withdrew his amendment.

On motion of the Governor, clause 2, was amended, by striking out all words after "within," in 21st line, and inserting "three miles from the nearest limit of any town."

Clause, as amended, read, and agreed to.

On clause 3, being read, the Attorney-general moved, that clause be struck out, and that the following be inserted in lieu thereof—"And be it further enacted and declared, that nothing in the said recited Ordinance contained, shall be held to prevent a woman from holding a license under the authority thereof." Agreed to.

Clause 3, as amended, read, and agreed to.

On motion of the Governor, it was Ordered—"That said Bill be engrossed, and read a third time on Wednesday, the 17th instant."

The Colonial Secretary moved the order of the day for the consideration of Dr. Martin's resolution relative to the Post-office.

Messrs. Connell, Hogg and Mathew, being in attendance, were introduced, and severally examined by the Council, and their evidence taken down by the Clerk of Council.

EXAMINATION of *William Connell, Esq.*

Examined by the Attorney-general.

You were for some time acting as Deputy Postmaster-general, under the new regulations?—For a short time, between the resignation of Mr. Cooper, and the arrival at Auckland of Mr. Hogg.

Were you in that office whilst the local Ordinance relating to the Post-office was in effect?—I had the charge of that office when that Ordinance was passed, and during the whole period of its operation.

So far as you have had an opportunity of judging, which do you consider operated most satisfactorily to the public?—I think that the local Act was considered to give most satisfaction to the public.

Have there been any, and what objections raised against the new regulations?—The charge of postage upon newspapers has been strongly objected to, as well as inland charge for conveyance of ship-letters. The term inland conveyance, being understood to mean conveyance from one part of the colony to another, whether by sea or land.

What is the difference between the old and new systems, relating to newspapers?—Under the local Ordinance, newspapers were conveyed, delivered and despatched, free of any charge whatsoever; they were also conveyed without expense to the Post-office, no gratuity being paid for their conveyance to or from countries beyond seas, coastwise from one part of the colony to another.

What under the new system?—Under the new system the papers are liable to a rate of postage

postage if received by a private ship from beyond seas, and an additional rate of postage if conveyed from one part of the colony to another, the rate of postage being 1 *d.* for British or colonial newspapers, and 2 *d.* for foreign.

What is the cost of the newspapers conveyed under the new system?—The conveyance of each newspaper from beyond seas costs the department 1 *d.*, and its conveyance from one part of the colony to another, costs $\frac{1}{2}$ *d.*

As a matter of finance, which of the two systems is most profitable?—The former was not attended with profit, as the newspapers were delivered free; the present system is attended with loss.

Will you explain how that loss arises?—Up to the present time, a great proportion of the newspapers have been refused by the parties to whom addressed, on account of the postage, a great number now remain in the Post-office unclaimed, and a number have already been returned. I would observe, that the Postmaster-general's instructions do not recognize a profit from newspapers, the postage being only intended to cover the expenses incurred for their conveyance in gratuities to masters of vessels.

Are you aware what is the practice at Sydney, relating to newspapers?—Newspapers are delivered free of postage, and no gratuity is paid for their conveyance.

Can you state how they are free in one case and not in the other?—Because the Post-office in New South Wales is an independent one, and has its own Postmaster-general, and the rates of postage are regulated by a local Act, whereas the Post-office in New Zealand, is a branch of the English Post-office.

Which of the two systems do you consider most adapted to the general diffusion of information?—Certainly the former one, under which newspapers were free.

If newspapers are delivered free of postage in Sydney, who is at the cost of their conveyance?—Those that are brought from England, are paid for in England, at the rate of 1 *d.*, which is given to the private ship that conveys them.

Is there any thing paid in England upon newspapers coming from England to New Zealand?—Exactly the same as to Sydney.

You have said that under the new regulations, 1 *d.* each is charged upon all newspapers arriving in the colony from beyond seas, but it appears that the postage of newspapers from England is paid there?—I believe I omitted to say, that newspapers and letters arriving direct from England by mail, are free of postage if delivered at the port of arrival; the charge of postage only arising for their inland conveyance to another part of the colony.

You have already stated, that you consider the old system best for the diffusion of knowledge; which is the most costly system?—The new system is more costly.

With respect to the postage upon letters, the principal ground of complaint appears to be, that an additional postage is charged upon letters arriving at any part of the colony, and delivered at another, although they may have been conveyed to their final destination by the vessel that brought them to the colony?—The hardship complained of is more apparent than real; but what has been stated is the principal ground of complaint.

Are you aware how the bags are made up in England; for the different settlements, or for New Zealand generally?—For New Zealand generally.

Are you aware if it be practicable, and, if so, if expedient, that bags should be made up for each separate settlement?—It is quite practicable, and might save some trouble to the local postmasters, but would not alter the charge of postage, unless new regulations were established. The minute of the Lords of the Treasury clearly prescribes a charge for inland conveyance, which would not be evaded by the plan supposed.

Are you able to inform the Council whether the post communication between the settlements of the colony is good?—Internal communication is not as good as it should be; coasting communication is frequent. Between the Bay of Islands and Auckland, and between Port Nicholson and the other settlements in Cook's Straits, it is frequent, but between the northern and southern divisions of the colony it is infrequent.

Are you able to state whether a greater facility of communication than at present exists is required by the commercial, political and other public interests of the colony?—I have no doubt that the general welfare of the colony would be much promoted by such a change.

Are you able to state whether the new department has done anything to facilitate communication?—One additional post has been established, which was originated under this Government before the department was transferred to the collector of Customs, and was carried out under the new system, viz. an overland mail between Auckland and Port Nicholson, by way of Kawhia and New Plymouth.

Do you know any reason why there should not be an overland post between Auckland and Port Nicholson?—I am not aware of any difficulty that could not be overcome at a moderate expense. I believe that a bridle-road might be made the whole way.

Am I to understand that letters have been conveyed from Port Nicholson to Auckland overland?—Decidedly; by way of Kawhia and New Plymouth.

Do you know how frequent the communication is between New Plymouth and Port Nicholson?—Whilst I was in the office, mails were conveyed between those places twice a month, by a constable who carried the mail while performing police duty. This arrangement was set on foot by this Government previous to the new system coming into operation.

How frequent between Auckland and New Plymouth?—Once a month.

Do you know any reason why the communication should not be more frequent between New Plymouth and Auckland?—None, except upon the ground of expense, and I am inclined to think that the proceeds of the department as a whole, will be found to justify an increase of expenditure in that branch of the service.

Under

Under the present system, the Post-office department of New Zealand is not considered under the control of this Government?—No, it is a branch of the English Post-office department, and is under Her Majesty's Postmaster-general.

Under the existing regulations, if there is a surplus of the Post-office revenue, what would become of that surplus?—The Deputy Postmaster-general is required by his instructions to remit the surplus to the Receiver-General of the Post-office Revenue in England, retaining a sufficient amount in his hands for the probable exigencies of the service.

Is there now, or has there ever been a surplus?—During the period that the department was in my charge, the revenue and expenditure were very nearly equal, and I am not aware that there has been any excess of revenue since the department has fallen into other hands.

Suppose there was a surplus, would the Deputy Postmaster-General have to send home the surplus, or is he empowered to open new communications for the public convenience?—His instructions are to send home any surplus revenue, but he is authorized, as I have already said, to retain sufficient to meet the probable expenses of the department. He is also required to report with respect to opening new lines of communication, or on any contemplated changes, and also to state the probable advantages to be derived by the revenue therefrom. How far he may consider himself justified in first making the changes involving increased expense, and then reporting them for the approval of the Postmaster-General, is a question for the Deputy Postmaster-general to decide. I have no idea that any actual surplus can accrue, if proper steps be taken for furthering and rendering effective the post-office service throughout the colony.

Can you state if any considerable number of vessels, bringing letters for Auckland, take their mails first to Taranaki or Port Nicholson?—A number of English mails for Auckland have arrived in the first instance at those ports, being brought by vessels chartered by the New Zealand Company. Mails from Sydney and the adjacent colonies more frequently arrive direct, or by vessels touching at the Bay of Islands.

Have all such English letters so received to pay an inland postage of 4d.?—Yes.

Recurring to the communication between Auckland and Port Nicholson, do you think it is as frequent once a month, as the public have a right to expect?—It is not as frequent.

Examined by the Colonial Secretary.

You mentioned that the great evil complained of is, that people are required to pay a second postage for letters, when the vessels bringing them from abroad touch at any intermediate port of the colony; do you know of any particular case which shows that evil?—I do not know of any particular case; it has the effect of doubling the postage.

What do you suppose would be the postage of an Army List or Navy List?—I do not remember the size of the pamphlet, but the rate would be regulated by the rate of 4d. per half ounce.

Do you think it has ever been as high as 20s.?—I have never heard of such a charge; if it had been made, the individual complaining could have had his postage refunded.

Are many letters or newspapers refused on account of this rate of postage?—A great number of newspapers, but no letters, that I am aware of.

Is there any increase of expense to the Post-office in consequence of vessels touching at any intermediate port, which would warrant an additional charge of postage?—No additional direct expense, excepting a gratuity of $\frac{1}{2}$ d. per letter for conveyance coastwise.

Have letters sent to England by way of Wellington or Bay of Islands, to pay double postage?—Yes.

In such a case is the Post-office put to any extra expense?—None, except the gratuity of $\frac{1}{2}$ d.; that is the direct expense, but the expenss of maintaining the local post-offices, salary of the clerks, &c., is as fairly chargeable upon those letters as upon any other portion of the Postmaster's duty.

If the system were altered, and letters were passing between the intermediate ports, what would be the additional direct expense?—A halfpenny per letter.

What is the inland postage in the colony?—Four-pence for each letter, and 1d. for newspapers.

For a single letter is an inland postage of 4d. charged, besides the English postage?—If letters by mail from England are delivered at the port of arrival, they are delivered free; if conveyed to any other part of the colony, a charge of 4d. is made.

Suppose a vessel arrives at Taranaki from England, with a mail bag containing letters for Taranaki and Auckland, what would be the postmaster's duty?—The postmaster would open the mail bag, and would deliver the letters for Taranaki, and forward those addressed to other parts of the colony, with an inland charge of postage marked thereon.

Supposing the same ship were coming on to Auckland, would she bring on the same mail?—The mail would come on by the first opportunity, irrespective of the mode of its arrival at Taranaki.

It may happen then that the same ship may bring on the letters?—It has happened; but in a majority of instances the mails have been forwarded by an earlier opportunity.

Examined by Dr. Martin.

You stated that the Orders in Council, or Treasury Minute, merely required that such a charge should be made on newspapers, as was necessary to be paid to the commanders of vessels for the carriage of such newspapers?—That is the spirit of the instructions, but there is no express clause to that effect. If they are conveyed by a packet ship, they are delivered free; but if by a private ship, a postage of 1d. is chargeable upon each newspaper, which is payable to the captain for their conveyance.

Did the commanders of vessels under the old regulations manifest any unwillingness to carry newspapers?—No unwillingness was ever exhibited, because in the neighbouring colonies there is no charge on newspapers, and no gratuity is given.

What proportion of newspapers received since the establishment of the new regulations have been released?—Not a-half.

What becomes of such papers as are not released; does the post-office sustain any additional expense on that account?—No additional expense. They are returned to the post-office of the country or colony from whence they were received, but without any further expense.

How are they taken by commanders of vessels without the usual gratuity of 1 *d.*?—They are inclosed in the mail bag, in a package addressed to the Dead Letter Office, and no gratuity is paid for them.

Does that happen under any special instructions from the Postmaster-general, or how is it that they are expected to take newspapers without a gratuity?—I do not recollect any particular clause on the subject. It does not appear to me that they should be paid for, from any part of the instructions relative to gratuities; and no mention of payment of gratuity for them is made in that part of the instructions which governs the return of unclaimed letters and newspapers.

Do you consider that the present charge upon newspapers has a tendency to prevent the diffusion of knowledge, and keep the colonists in ignorance of any improvements which may be taking place, both at home and in the neighbouring colonies?—I certainly think it has.

Can you not conceive that such a check may operate injuriously to the interests of the colony?—I have no doubt that it does: the more free the communication of information can be made, the better.

At the present moment, is not New South Wales the only colony from which we get newspapers?—I think that the newspapers we receive from New South Wales, are ten to one to those we receive from any other colony.

In reference to the establishing any new lines of communication by post, is it your opinion that this Government has the power of establishing such new lines?—From the nature of the instructions, I think the Deputy Postmaster-general would probably require a guarantee from the local Government, either that such proposed new line should pay its own expenses, or, that should the expenses of the whole department exceed its income, the deficiency would be made good from the colonial revenue, as he would otherwise, unless he had obtained the previous sanction of the Postmaster-general, be incurring a heavy personal responsibility.

What you have stated is founded on your own interpretation of the regulations?—Yes.

Examined by Mr. Brown.

In the event of a vessel from England touching at Wellington, Nelson and Auckland for instance, and the mails were made up for these several ports, instead of being made up for New Zealand generally, would such vessel be obliged to deliver up all the mails at the first port she might touch at?—I am not aware what the interpretation of the law is in that case; the view upon which I have always acted is, that the captain would be bound to deliver all mails addressed to any part of the colony, at the post-office of the first port of the colony at which he touched; and many instances have occurred where great injury would have been sustained by the adoption of a contrary course.

If such vessel were to bring on the mails to these ports, would additional inland rates of postage be charged?—Yes, an additional gratuity would be paid for their conveyance, and an additional postage would be charged.

Under which system was the revenue most benefited?—There is more profit at the rate of 4 *d.*; under the old system, a uniform rate of 6 *d.* was charged, no second rate being chargeable for inland conveyance or re-direction; under the new system, the rate is 4 *d.*, with an additional charge for inland conveyance or re-direction. In order to estimate the probable revenue of the department under the new regulations, I ascertained the average sum received upon each of a given number of letters, amounting to some thousands, taxed under the local Ordinance, and a like number under the existing regulations. Under the old system, the average was 7½ *d.* per letter; under the new system it is 8½ *d.*

Examined by the Governor.

Are you personally acquainted with the country between Auckland and Kawhia, and Taranaki; and between Taranaki and Port Nicholson?—I am not personally acquainted with it.

From such information as you have collected, are you of opinion that a regular communication may be kept up between Auckland and Taranaki weekly?—A weekly communication may be kept up, but of course it will be at some further expense. The length of time occupied in the conveyance of the letters by foot-post would be a fortnight at least.

Are you aware that, with the assistance of horses and boats, and altering the path, a weekly communication can be kept up?—I am not sufficiently informed; but I am of opinion that such may be the case.

From what you have heard, do you think a communication between Port Nicholson and Auckland might be effected in a fortnight, without any new roads, by horse and foot communication?—I think there is nothing to prevent it.

Have

Have you reason to think that there is nothing to prevent direct inland communication between the two places?—I believe there is not.

Do you suppose that the Post-office authorities contemplated that large quantities of papers and letters would be returned to the mother country?—The instructions respecting the return of undelivered letters and newspapers are specific, and evidently contemplate the non-delivery of many such.

Is it your opinion that those provisions were made with a view of providing for mis-sent letters, and papers belonging to persons deceased?—The instructions plainly contemplate the refusal of letters and newspapers.

Do you think that in the case of a mail bag containing letters for Wellington being opened at Auckland, the trouble of opening, sorting and sealing up the bag, and forwarding it to Wellington, is a sufficient reason for charging inland postage?—It is attended with the same trouble as forwarding the same number of letters posted at Auckland.

The Post-office is at no expense in providing the conveyance by sea?—None beyond the gratuity to the ship-masters.

Supposing such to be the case, would it appear to you reasonable that the master of a ship should receive the same gratuity for the conveyance of a letter from Auckland to Wellington, as for conveying a letter from London to Auckland?—Certainly not.

What is the gratuity actually received for conveying a letter from London to Wellington?—Two-pence.

From Wellington to Auckland?—One halfpenny.

Upon what grounds do you suppose that the same charge is made from Wellington to Auckland, as from London to Wellington?—The rate is not the same, the postage from London to Wellington is 8 *d.*, from Wellington to Auckland 4 *d.*

EXAMINATION of *P. D. Hogg, Esq.*

I CONCUR in every thing that has been stated by Mr. Connell. There is a circumstance which Mr. Connell did not explain at the time that he detailed the postages imposed by the Treasury Warrant, viz., the paying the gratuity of $\frac{1}{2}$ *d.* only on letters and newspapers conveyed inland. This rate was fixed upon by following the analogy of the rates of postage under similar circumstances in the United Kingdom, the rates not having been distinctly expressed in the Treasury Warrant. I think the re-sorting of mails at the first port of arrival, although entailing double labour on the department, and the imposition of a double rate of postage on the public, is a decided advantage to the public, inasmuch as it expedites the transmission to their final destination. With respect to the operation of the existing regulations, as they affect the transmission of newspapers, I may mention, that the number of newspapers at present lying in the Dead-letter Office as having been refused, are as follow;—Sydney, 730; English, 990; Van Diemen's Land, 183; Adelaide, 162; gratuities to the amount of 15 *l.* have been paid by the department on these to the masters of vessels bringing the mails, all which amount is lost to the revenue, if these papers are not relieved. The Post-office revenue, under the new regulation, I think is likely to be considerably increased, one important addition to the revenue being that Government despatches which were free under the local Ordinance, are now liable to postage.

Examined by the Governor.

You have referred to Government despatches being liable to postage. Do you suppose that if the governor of a colony should have occasion to send despatches by any person he might think proper to convey them, that the Post-office authorities could call upon such confidential person to deliver them to the Post-office, instead of delivering them direct to the person to whom they were addressed?—I do not think that the Post-office authorities would have any right to interfere.

As the law now stands on the subject, would not any master of a ship carrying letters between intermediate ports be liable to a fine, if those letters had not been entrusted to him by the Post-office or other competent authority?—Yes.

As the law now stands, is there any impediment to persons sending letters by private hand?—Yes.

Is there any law preventing any private person from sending a parcel, case or package between such intermediate ports?—No. I was going to mention, as a further illustration of this, that in the Custom's department it is the practice to send heavy accounts, &c., in a box, with a label, addressed to the master of the vessel, cautioning him not to pass the same through the Post-office.

Do you think any improvement could be made in the Post-office communications at present existing in this colony?—If it could be found practicable to have a regular communication with Wellington, one of the principal settlements in the colony, that is one of the principal improvements that could be effected.

You consider that the Post-office communication, as at present established, may be improved?—Yes.

Are you aware that the extent of coast line bounding New Zealand is about 3,000 miles?—I believe it is.

Is it the case that there are now many settlements scattered at various points around the island?—Yes.

Is it probable such settlements will increase in number?—They will increase in number and population.

As they increase, if they do increase, will not alterations and extensions of communication be necessary?—Yes.

Can such arrangements, in your opinion, be effectually planned and carried out by persons resident in London, unacquainted with the local details of the colony?—From the peculiar circumstances of this colony, I am persuaded they could not.

Examined by the Attorney-general.

To whom have the Post-office authorities in England delegated the authority for carrying out these arrangements?—To the collector of customs as deputy postmaster-general.

Are you able to state whether the collector of customs has time to spare effectually to carry out the duties of the Post-office in addition to his other duties?—I feel confident he cannot.

Examined by Dr. *Martin*.

Do the present Post-office regulations give satisfaction to the public?—I have heard a good deal of dissatisfaction expressed, particularly to the rate of charges on newspapers.

Does the Post-office derive any real benefit from the charge on newspapers?—None.

Examined by Mr. *Clifford*.

Are you aware that vessels coming from England to Port Nicholson, generally touch at one or more settlements in New Zealand, previous to reaching their final destination; and from their short stay at those places, almost invariably carry forward the Wellington letter-bags, which they had been obliged to land for an inland postage to be charged?—I believe, that vessels frequently touch at Nelson and New Plymouth before proceeding to Wellington, and I have no doubt it is frequently the case that these vessels carry forward the letters which they originally brought, re-sorted, to the place of their final destination.

EXAMINATION of *Felton Mathew, Esq.*

Examined by the Governor.

You are Deputy Postmaster-general, I believe?—I am.

Do you concur in the evidence given by Mr. Connell and Mr. Hogg?—I fully concur in what has been said by both Mr. Connell and Mr. Hogg; except in a few minor points, as regards Mr. Connell, connected with the overland communication with Wellington. I conceive that it is more difficult, and would occupy a longer time than Mr. Connell appears to imagine. I especially concur with Mr. Hogg in the advantage of re-sorting mails at an intermediate port; for if the masters of ships were not compelled to land their mails at the first port of arrival, a very great detention would frequently occur. As to the information conveyed by Mr. Hogg relative to the newspapers in the Dead-letter department, I can say, that in addition to the number stated by him, about 400 have been returned, and it is probable that some are lying at the different out-stations which have not yet been forwarded to Auckland. It does not appear to me quite clear that the law exempts Government despatches, and I have also my doubts whether masters of vessels could not claim gratuities on newspapers returned.

With reference to the internal communication between Auckland and Port Nicholson, have you lately conversed with those who are most cognizant with the subject, such as Mr. Maunsell, Mr. Ashwell, or any person resident at New Plymouth, with the Chief Justice, or with the Bishop, all of whom have local acquaintance with the subject?—I have conversed with Mr. Ashwell, Mr. Morgan, the Chief Justice, and with several other parties who have travelled the over-land route, and their statements as to the practicability of the route are rather contradictory. I have not the slightest doubt that a good and practicable route could be found, and by saying that I differ from Mr. Connell; I merely mean to say that I think it would be more difficult, owing to the natural obstructions of the country, than he appears to imagine, and that it would be a mere question of time; a considerable portion of the country is thickly wooded, which would offer considerable impediment until a tract was effectually cleared.

Are you aware that Mr. Ashwell has ridden from his station to within 40 miles of New Plymouth, and that from Auckland to Mr. Ashwell's station the road is a very easy one?—I was not aware of that as a matter of fact. I believe that a very good road exists from Mr. Ashwell's in the direction of Taranaki, which may be easily travelled on horseback, but I have been informed that the latter part of the route from Mokau to Taranaki is very difficult, and also that it would not be easy at present to reach Mr. Ashwell's on horseback.

Are you aware that there would be any impediment to prevent a person riding from Mr. Ashwell's to Taranaki, avoiding the seacoast?—I am not aware of any impediment that could not be overcome; the country at the latter part of the route being thickly wooded would be the chief obstacle.

Are you aware that it is the opinion of the Chief Protector of Aborigines, that by combining the assistance of horse and boat, communication might be effected between Auckland and Taranaki in six days, without going on the outer seacoast?—I have had some conversation with

with the Chief Protector on the subject, but I was not aware that he thought the communication could be effected in so short a time as six days; and taking the actual distance into consideration I should question whether it could be done in that time.

What is the shortest time you have known the distance performed between Taranaki and Auckland?—I have never known it performed in less than 10 days.

If, without the assistance of horses and boats in readiness, the journey has been performed in 10 days, may we not expect that with those advantages it may be effected in much less time?—Probably it might, but in all the instances I have heard of, the parties have had boats and canoes in readiness, so that no detention has been occasioned by the want of them.

On motion of the Governor, the following Bills were then read a third time, and passed—Summary Proceeding Amendment Bill; Unsworn Testimony Bill; Harbour Regulations Amendment Bill; Native Exemption Bill; German Naturalization Bill.

On motion of the Governor, the further consideration of the "Land Claimants' Estate Bill" was proceeded with after consideration thereof.

On motion of the Governor, it was ordered—"That said Bill be engrossed, and read a third time on Wednesday the 17th instant."

[Council adjourned to 12 o'clock on Wednesday, 17th July 1844.]

Wednesday, 17 July 1844.

Present.—All the Members.

THE Council met, pursuant to adjournment.

The Minutes of the last meeting were read, and confirmed.

The Attorney-general moved the order of the day for the consideration of Mr. Brown's report.

Mr. Brown presented his report, which was received and read.

On motion of the Governor, report read a second time *seriatim*, and unanimously adopted by the Council.

On motion of Dr. Martin, it was Ordered—"That the report be entered, and printed with the minutes of Council, and a copy forwarded for the consideration of Her Majesty's Government."

"THAT in the opinion of this Council, the 'Act for regulating the Sale of Waste Lands belonging to the Crown in the Australian Colonies,' considering the principles upon which it appears to be founded, is unsuitable to the actual condition and circumstances of the colony of New Zealand.

"That the principal objects of requiring that no land shall be sold for less than 20s. an acre, appear to be the following:—To provide a fund for the introduction of labourers into the colony, and thus to secure to the purchaser of land the means of cultivating it; and to prevent the labourer, when so introduced into the colony, from too speedily becoming a landowner; and ceasing to work for hire, before he has contributed a due proportion of labour.

"That the present system appears to have been devised with a view to the colonization of uninhabited countries, or countries having no available sources of labour within themselves, and in which the Government possesses a disposing power over the territory, or can prescribe the terms on which the use or occupation of the territory shall be held.

"That the islands of New Zealand are peopled by upwards of 100,000 intelligent and rapidly improving native inhabitants.

"That with the exception of about 1,700,000 acres of land owned or claimed by the Crown, and by private persons, every portion of the surface of these islands (containing in the whole not less than 60,000,000 of acres) is owned or claimed by one or more tribes or individuals of the aboriginal race, whose 'territorial rights as owners of the soil' have been guaranteed to them by treaty, and by other acts of the British Government, have been distinctly 'recognized and respected.'

"That of the 1,700,000 acres claimed by Europeans, the New Zealand Company (assuming the validity of their purchases) will be entitled, by an arrangement entered into with them by the British Government, to a grant of not less than about 1,200,000 acres.

"That under the provisions of the Land Claims' Ordinance of this colony, Sess. 1, No. 2, the old land claimants will be entitled to receive grants of not less than about 200,000 acres, and that the remaining 300,000 acres are the only lands in the colony possessed by the Crown, by purchase or otherwise, over which the Government has a disposing power.

"That although the Crown has obtained by treaty from the natives the right of pre-emption over all native lands, and all titles to land that may not be confirmed by grants from the Crown, have been declared by a local law to be null and void; yet, looking to the capability of New Zealand for the breeding and feeding of sheep and cattle, to the value and extent of its mineral wealth, and to the numbers and intelligence of the native owners of the soil, it will be impossible to prevent the European settler, by any legislative enactment, from obtaining by private arrangement with the native owners, at least the temporary use and occupation of the land, in an irregular manner.

"That although the New Zealand Company, in disposing of their lands in New Zealand, have hitherto proceeded upon a systematic plan, and have required a high price for their lands

lands, there is no security (as may be seen from their own views upon this subject), that they may not abandon that system, and endeavour to dispose of their remaining lands by offering them to public competition at a low upset price.

"That from the other class of landowners, the original settlers, who by a recent arrangement have been allowed the option of exchanging their lands for other lands in the district of Auckland, land may be readily purchased, and to the extent of many thousand acres, at the rate of less than 5s. an acre. Under these circumstances the Government have not the power of prescribing the price, below which lands in this colony shall not be disposed of.

"That the aboriginal inhabitants of New Zealand are cultivators of the soil; that experience has shown them to be both willing and able to perform most of the ordinary operations of labour; that in various parts of the colony they are working for hire for the European settlers at a moderate rate of wages, from 1s. to 1s. 6d. a day, and that, looking to the nature of the most valuable resources of the country, capital rather than labour, will be required to be imported into the colony, in order to ensure their useful and successful development.

"The Council are not unmindful of the difficulties that may stand in the way of a change in the existing system; but seeing that this colony differs so essentially from the neighbouring colonies, the Council are of opinion that the foregoing facts should be brought under the consideration of Her Majesty's Government, with a view of suggesting the propriety of repealing so much of the 'Act for regulating the sale of Waste Lands belonging to the Crown in the Australian Colonies,' as enacts that the Australian colonies shall be deemed to include the colony of New Zealand.

"That with reference to the system now existing, under which it is sought to prevent the Aboriginal owners of the land from exercising any disposing power over it, either absolute or partial, in favour of any person of European birth, the prohibition has already excited much dissatisfaction in their minds, which from their growing intelligence and appreciation of the value of land, is liable to be increased rather than diminished: besides which, this prohibition affords ill-disposed persons the means of inducing the natives to be dissatisfied with the British Government generally; and as, in defiance of any legal enactments, the European settler will be able to obtain, at least the temporary use and occupation of native lands, Her Majesty's Government should be moved to consider whether it would not be expedient to modify the present restrictions; the Council being of opinion, founded on local knowledge and experience, that it would tend more to the peaceable and prosperous settlement of the country, that the native owners of the land, under certain well considered regulations, should be free to dispose of such lands as are not required by the Crown, rather than that such dispositions of land should be made secretly, by irregular, and illegal arrangements."

Mr. Brown, according to notice, moved the consideration of the petition of W. Trusted.

Petition read, and on motion of Mr. Brown, it was agreed—"That the petition be referred to the consideration of the Executive Government."

On motion of the Governor, the following Bills were read a third time, and passed:—Dog Nuisance Bill; Land Claimants Estate Bill; Licensing Amendment Bill.

[Council adjourned to 2 o'clock on Thursday, 18th July 1844.]

Thursday, 18 July 1844.

Present.—All the Members.

THE Council met, pursuant to adjournment.

The minutes of the last meeting were read, and confirmed.

The examination of Messrs. Connell, Hogg and Mathew, having been read, were confirmed.

His Excellency then closed the Session with the following address:—

"Gentlemen,

"Council-room, 18 July 1844.

"Having completed the duties so cheerfully undertaken and earnestly fulfilled by you, during this third Session of the Legislative Council of New Zealand, it has become my pleasing office to release you, until the next Session of Council, from the difficult and responsible task of legislation.

"Allow me to offer you my cordial and sincere thanks for your regular and persevering attention to the measures submitted for your consideration.

"I am sure that the Home Government, as well as the residents in this colony, will appreciate the pains and trouble you have taken. They are well aware that members of Council, in a young colony, have many urgent demands upon their time, which render it difficult to give the necessary degree of deliberate attention to proposed legislative enactments.

"It is a source of great satisfaction to reflect, that our united efforts are likely to be rewarded by a more prosperous state of affairs, by a more cheerful condition of our community.

"I consider that a crisis has been passed, and that, provided we persevere in a strictly just, humane, temperate and industrious course, we shall not fail to see our honest exertions rewarded by temporal as well as spiritual blessings.

(signed) "Robert FitzRoy, Governor."

(signed) "J. Coates, Clerk of Councils."

Appendix

Appendix (A.)

STATEMENT of the available ASSETS of the COLONIAL TREASURY of *New Zealand*, and of the LIABILITIES requiring immediate Liquidation, on the 14th day of May 1844.

AVAILABLE ASSETS.	AMOUNT.	LIABILITIES.	AMOUNT.
	£. s. d.		£. s. d.
Cash in the Treasury Chest - - - - -	19 9 3	Balance due to the Bank at Wellington, For Cheques drawn in anticipation of Revenue - -	2,205 4 -
Sums acknowledged by the Banks at Nelson and Wel- lington, to be to the Credit of the Treasury, for which Vouchers have not yet been furnished by the Collectors of Revenue; viz.—		Balance due to the Bank at Nelson, For Cheques drawn in anticipation of Revenue - -	696 19 11
Bank at Wellington, From 2 February to 20 April 1844 - - -	2,414 2 3	Due to Messrs. Boyd & Robinson, of Sydney, including interest at 5 per cent. from 15 April 1843 - -	2,108 6 8
Bank at Nelson, From 22 April to 31 December 1843 - £. 7 10 10		Salaries to 31 March 1844, still unpaid; viz.— Northern Division - - - £. 1,521 7 5	
Estimated amount of Revenue paid into the Bank at Nelson since 13 Decem- ber 1843, that being the date of the last Account received from that Bank 689 9 1		Southern Division - - - 2,283 - -	3,804 7 5
	696 19 11	Contingencies to 31 March 1844, still unpaid; viz.— Northern Division - - - £. 2,091 12 3	
Balance at New Zealand Bank, Auckland - - -	3 1 5	Southern Division - - - 605 - -	2,696 12 3
		Debentures in circulation - - - - -	5,885 - -
TOTAL - - - £.	3,133 12 10		
Deficiency - - - - -	14,262 17 5	TOTAL - - - £.	17,396 10 3
	£. 17,396 10 3	TOTAL - - - £.	17,396 10 3

A. Shepherd,
Colonial Treasurer.

— No. 9. —

(No. 24.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

My Lord,

Government House, Auckland, 20 August 1844.

I HAVE the honour of transmitting to your Lordship, an estimate of the expenditure considered necessary for the public service of this colony during the current year.

It is, at the same time, my painful duty to inform your Lordship, that I cannot hope to raise twenty thousand pounds, by any method whatever, within the colony, to meet this estimated expenditure of thirty-six thousand pounds.

The propability is, that not more than fifteen thousand pounds can be raised from colonial sources; to such a state of poverty are the settlers and officers of Government generally reduced.

The impossibility of paying an adequate land-tax, and the strenuous opposition made to my attempt to introduce direct taxation of any kind, induced me to consent to continue existing duties of Customs, and to add others by levying a duty of five per cent. on all imported goods, without exception.

But I foresee, that no material check to the decrease of revenue will be afforded by this step, while it may have a direct tendency to check commerce and cause discontent.

It is my duty to endeavour, by every means in my power, to raise a sufficient revenue within the colony; but I feel more and more the inapplicability of the Custom-house system to New Zealand, and the necessity of eventually adopting direct taxation, after removing all restrictions on commerce, and throwing open all our ports.

With the estimate of expenditure, I send a statement of ways and means, such as they appear at present, but I think that the amount expected to be raised by duties of Customs, is at least one third more than will in reality be obtained.

I have, &c.

(signed) *Robert FitzRoy*, Governor.

No. 9.
Governor *FitzRoy*
to Lord *Stanley*,
20 August 1844.

£. 20,000.
£. 36,000.
£. 15,000.

Enclosure in No. 9.

ESTIMATE of the probable EXPENDITURE of the Government of *New Zealand*, for the Financial Year 1844-45, commencing 1st April 1844, and ending 31st March 1845.

ABSTRACT of the probable EXPENDITURE of the Government of *New Zealand*, for the Financial Year 1844-45.

	£.	s.	d.
I. Governor and Establishment - - - -	1,450	13	-
II. Colonial Secretary, Department and Printing Establishment - - - -	1,915	-	-
III. Attorney-general - - - -	430	-	-
IV. Colonial Treasury - - - -	1,135	-	-
V. Council Office - - - -	425	-	-
VI. Superintendent of the Southern Division and Establishment - - - -	750	-	-
VII. Crown Solicitor of the Southern Division - - - -	150	-	-
VIII. Audit - - - -	325	-	-
IX. Customs - - - -	4,000	-	-
X. Judicial, viz., Supreme and Local Courts - - - -	3,970	-	-
XI. Coroners - - - -	80	-	-
XII. Sheriffs and Gaols - - - -	1,615	-	-
XIII. Ecclesiastical - - - -	200	-	-
XIV. Medical - - - -	300	-	-
XV. Harbour Establishments - - - -	375	-	-
XVI. Colonial Vessel - - - -	1,508	-	-
XVII. Public Works, Establishment, Tools and Contingencies - - - -	2,710	-	-
XVIII. Postage of Letters on Public Service - - - -	250	-	-
XIX. Land Claims Commission - - - -	2,200	-	-
XX. Registry of Deeds - - - -	300	-	-
XXI. Magistrates and Police - - - -	5,102	8	-
XXII. Survey Establishment - - - -	2,400	-	-
XXIII. Aborigines - - - -	2,400	-	-
XXIV. Land Purchases - - - -	800	-	-
XXV. General Contingencies - - - -	1,200	-	-
TOTAL - - - - £.	35,991	1	-

Colonial Secretary's Office, Auckland, }
New Zealand, 6 June 1844. }

Andrew Sinclair,
Colonial Secretary.

ESTIMATE of the PROBABLE EXPENDITURE of the Government of *New Zealand*, for the Financial Year 1844-45, commencing 1st April 1844, and ending 31st March 1845.

I. THE GOVERNOR AND ESTABLISHMENT.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Governor - - - -	-	-	-	1,200	-	-			
Private Secretary - - - -	150	-	-						
Messenger - - - -	54	18	-						
Allowance to His Excellency for one Horse, at 2 s. 6 d. per diem - -	45	15	-						
				250	13	-			
II.—1. COLONIAL SECRETARY'S DEPARTMENT.							1,450	13	-
Colonial Secretary - - - -	600	-	-						
Chief Clerk £. 270—Clerks, one at £. 155, and one at £. 140 - -	565	-	-						
One assistant clerk at 5 s. per diem -	91	10	-						
Messenger - - - -	60	-	-						
Contingencies - - - -	108	10	-	1,425	-	-			
2. Printing Establishment.									
Master printer, compositors and others	286	-	-						
Stationery and contingencies - -	204	-	-	490	-	-			
							1,915	-	-
Carried forward - - - - £.							3,365	13	-

	£.	s.	d.	£.	s.	d.	£.	s.	d.		
Brought forward - - -	-	-	-	-	-	-	3,365	13	-		
III. LAW OFFICER OF THE CROWN.											
Attorney-General - - - -	-	-	-	-	-	-	430	-	-		
IV. COLONIAL TREASURER'S DEPARTMENT.											
Colonial treasurer - - - -	-	-	-	620	-	-	1,135	-	-		
Chief clerk £. 200, one at £. 150 -	-	-	-	350	-	-					
Contingencies, including provision for a sub-treasurer - - - -	-	-	-	165	-	-					
V. EXECUTIVE AND LEGISLATIVE COUNCILS.											
Clerk of Councils - - - -	-	-	-	300	-	-	425	-	-		
Clerk - - - - -	-	-	-	125	-	-					
VI. DEPARTMENT OF THE SUPERINTENDENT OF THE SOUTHERN DIVISION.											
His Honor the Superintendent -	-	-	-	500	-	-	750	-	-		
Secretary to ditto, and registrar of deeds - - - - -	-	-	-	200	-	-					
Contingencies, including office rent -	-	-	-	50	-	-					
VII. CROWN SOLICITOR FOR THE SOUTHERN DIVISION (to be also Commissioner of Requests at Wellington), see "Local Courts" -											
-	-	-	-	-	-	-	150	-	-		
VIII. BOARD OF AUDIT.											
Three Commissioners, viz. the colonial secretary, the collector of customs and the clerk of councils - -	} No salary for this duty.			-	-	-	325	-	-		
Chief clerk £. 200, and one clerk at £. 125 - - - - -				-	-	-					
IX. DEPARTMENT OF CUSTOMS.											
1. Auckland.											
Collector - - - - -	500	-	-	1,246	-	-					
Clerk - - - - -	150	-	-								
Landing-waiter, tide-surveyor and locker - - - - -	200	-	-								
Assistant clerk and messenger -	70	-	-								
Coxswain £. 64, and three boatmen £. 54 each - - - - -	226	-	-								
Extra tide-waiters and incidental expenses - - - - -	100	-	-								
2. Russell, Bay of Islands.											
Sub-collector - - - - -	200	-	-	626	-						
Landing-waiter, tide-surveyor and locker - - - - -	150	-	-								
Coxswain £. 64, and three boatmen at £. 54 each - - - - -	226	-	-								
Extra tide-waiters and incidental expenses - - - - -	50	-	-								
Carried forward - - -	-	-	£.	1,872	-	-	6,580	13	-		

	£.	s.	d.	£.	s.	d.	£.	s.	d.
Brought forward - - -	-	-	-	1,872	-	-	6,580	13	-
IX. Department of Customs— <i>contd.</i>									
3. Wellington.									
Sub-collector - - - -	300	-	-						
Clerk - - - - -	130	-	-						
Landing-waiter, tide-surveyor and locker - - - - -	200	-	-						
Coxswain £. 64, and four boatmen at £. 60 each - - - - -	304	-	-						
Extra tide-waiters and incidental ex- penses - - - - -	120	-	-	1,054	-	-			
4. Nelson.									
Sub-collector - - - - -	200	-	-						
Landing-waiter, tide-surveyor and locker - - - - -	150	-	-						
Coxswain £. 64, and three boatmen £. 54 each - - - - -	226	-	-						
Extra tide-waiters and incidental ex- penses - - - - -	50	-	-	626	-	-			
5. New Plymouth.									
Sub-collector - - - - -	150	-	-						
Incidental expenses - - - - -	20	-	-	170	-	-			
6. Akaroa.									
Sub-collector - - - - -	150	-	-						
Two boatmen at £. 54 each per annum	108	-	-						
Incidental expenses - - - - -	20	-	-	279	-	-	4,000	-	-
X. JUDICIAL DEPARTMENT.									
SUPREME COURT.									
1. Northern District.									
Chief Justice - - - - -	1,000	-	-						
Registrar - - - - -	300	-	-						
Deputy registrar (also clerk of the Court of Requests at Auckland) -	60	-	-						
Crier, tipstaff and messenger (to act also for the Court of Requests at Auckland) - - - - -	60	-	-						
Contingencies - - - - -	60	-	-	1,480	-	-			
2. Southern District.									
Judge - - - - -	800	-	-						
Deputy registrar (also clerk of the Court of Requests at Wellington)-	150	-	-						
Crier, tipstaff and messenger (to act also for the Court of Requests) -	54	18	-						
Contingencies and rent of court-house	95	2	-	1,100	-	-			
LOCAL COURTS.									
1. Northern District, Auckland.									
Commissioner of Court of Requests -	150	-	-						
Clerk (also deputy registrar of the Supreme Court) - - - - -	90	-	-						
Bailiff, 5 s. per diem - - - - -	91	10	-						
Contingencies - - - - -	40	4	-	371	14	-			
Carried forward - - - -	-	-	£.	2,951	14	-	10,580	13	-

	£. s. d.	£. s. d.	£. s. d.
Brought forward - - -	- - -	2,951 14 -	10,580 13 -
X. Judicial Department— <i>continued</i> .			
Local Courts— <i>continued</i> .			
2. Russell, Bay of Islands.			
Commissioner of Requests (also sheriff of the district) - - -	150 - -		
Clerk (also clerk to the police magistrate) - - -	10 - -		
Bailiff (also chief constable) - - -	20 - -		
Contingencies - - -	10 - -	190 - -	
3. New Plymouth.			
Commissioner of Court of Requests (also sheriff of the district) - -	150 - -		
Clerk (also clerk to police magistrate) - -	10 - -		
Bailiff (also chief constable) - -	20 - -		
Contingencies - - -	10 - -	190 - -	
4. Wellington.			
Commissioner of Court of Requests (also Crown prosecutor for the southern division) - - -	150 - -		
Clerk (also deputy registrar of the Supreme Court of southern division) - -	100 - -		
Bailiff, 5 s. per diem - - -	91 10 -		
Rent of court-house £. 25, stationery and contingencies £. 10. 2. - -	35 2 -	376 12 -	
5. Petre.			
Clerk - - - - -	20 - -		
Bailiff - - - - -	20 - -		
Contingencies - - - - -	10 - -	50 - -	
6. Nelson.			
Commissioner of court of Requests (is also police magistrate) - - -	100 - -		
Clerk (also clerk to the magistrates) - -	10 - -		
Bailiff (to act as crier and tipstaff to court) 5 s. per diem - - -	91 10 -		
Contingencies - - - - -	10 4 -	211 14 -	
XI. CORONERS.			3,970 - -
To provide for fees to coroners and medical witnesses, and other expenses attendant upon inquests -	- - -	- - -	80 - -
XII. SHERIFFS AND GAOLS.			
1. Central District, Auckland.			
Sheriff (in addition to fees) - - -	100 - -		
Gaoler, 6 s., turnkey, 4 s., and two overseers of hard labour, 3 s. 6 d. each per diem - - -	301 2 -		
Contingencies - - - - -	148 18 -	550 - -	
2. Russell, Bay of Islands.			
Sheriff (in addition to fees) - - -	50 - -		
Gaoler 6 s., and Turnkey 4 s. per diem - -	164 14 -		
Contingencies - - - - -	50 6 -	265 - -	
3. Southern District of New Ulster.			
Sheriff (in addition to fees) - - -	100 - -		
Gaoler 5 s., Turnkey 4 s., and overseer of hard labour 3 s. 6 d. per diem -	228 15 -		
Contingencies - - - - -	131 5 -	460 - -	
Carried forward - - -	- - £.	1,275 - -	14,630 13 -

	£. s. d.	£. s. d.	£. s. d.
Brought forward - - -	- - -	1,275 - -	14,630 - -
XII. Sheriffs and Gaols—<i>continued</i>.			
4. Nelson.			
Sheriff (in addition to fees) - - -	80 - -		
Gaoler 5 s., turnkey 4 s., and overseer of hard labour 3 s. 6 d. per diem	228 15 -		
Contingencies - - - -	71 5 -	380 - -	
5. New Plymouth.			
Sheriff (in addition to fees) - - -	50 - -		
Contingencies - - - -	20 13 -	70 13 -	
		1,725 13 -	
Deduct, chargeable to general contingencies - - -	- - -	110 13 -	1,615 - -
XIII. ECCLESIASTICAL DEPARTMENT.			
The Lord Bishop (provided for by Parliamentary Grant to the extent of £. 600.)			
Salary of a Minister at Auckland -	- - -	- - -	200 - -
XIV. MEDICAL DEPARTMENT.			
Towards defraying the expenses attendant on the duties of health officers, and medical aid at gaols -	- - -	- - -	300 - -
XV. HARBOUR ESTABLISHMENTS:			
1. Auckland.			
Harbour Master, is also Superintendent of Public Works (no salary) -	- - -		
Signalman - - - -	54 18 -		
Keeper of powder-magazine - - -	40 - -		
Pilot - - - -	30 - -		
Contingencies - - - -	5 2 -	130 - -	
2. Russell, Bay of Islands.			
Harbour-master (no salary) - - -	- - -		
Signalman and keeper of powder-magazine - - - -	54 18 -		
Contingencies - - - -	10 2 -	65 - -	
3. Wellington.			
Harbour-master (no salary) - - -	- - -		
Signalman and keeper of powder-magazine - - - -	54 18 -		
Pilot - - - -	30 - -		
Contingencies - - - -	5 2 -	90 - -	
4. Nelson.			
Harbour-master (no salary) - - -	- - -		
Signalman and keeper of powder-magazine - - - -	54 18 -		
Pilot - - - -	30 - -		
Contingencies - - - -	5 2 -	90 - -	
		375 - -	
Carried forward -	- - -	£. 17,120 13 -	

	£.	s.	d.	£.	s.	d.	£.	s.	d.
Brought forward - -	-	-	-	-	-	-	17,120	13	-
XVI. COLONIAL VESSEL.									
Commander, 7s. 6d. per diem - -	-	-	-	137	5	-			
First officer, 6l.; second officer, 4l. per month - - - -	-	-	-	120	-	-			
Carpenter, 5l. 10s.; boatswain, sail- maker and steward, 4l. each per month - - - -	-	-	-	210	-	-			
Fourteen seamen - - - -	-	-	-	444	-	-			
Table allowance to Commander, for self and two officers, at 1s. 6d. each per diem - - - -	-	-	-	82	7	-			
Allowance to Commander for neces- saries and stationery - - -	-	-	-	29	-	-			
Pay and clothing for four apprentices	-	-	-	36	-	-			
Provisions - - - -	-	-	-	449	8	-			
Stores and repairs (chargeable to general contingencies) - - -	-	-	-	-	-	-			
							1,508	-	-
XVII. DEPARTMENT OF PUBLIC WORKS.									
Superintendent - - - -	180	-	-						
Clerk, 5s. per diem - - - -	91	10	-						
Wages of persons employed on the fixed establishment - - -	402	8	-						
Forage for horses - - - -	150	-	-						
Tools, harness, repairs, &c. - -	150	-	-						
Boat's crew, 200l.; four apprentices, 104l. - - - -	394	-	-						
Repair of boats - - - -	28	12	-						
				1,396	10	-			
Towards roads and bridges in the neighbourhood of Auckland -	750	-	-						
Towards constructing a landing-place at Auckland - - - -	80	-	-						
Towards repairs and additions to public offices at Auckland -	170	-	-						
Towards repairs to public offices at Wellington - - - -	150	-	-						
Towards departmental contingencies	163	10	-						
				1,313	10	-			
							2,710	-	-
XVIII. TO PROVIDE FOR POSTAGE OF PUBLIC CORRESPONDENCE									
- - - -	-	-	-	-	-	-	250	-	-
XIX. ESTABLISHMENT OF COMMISSION FOR LAND TITLES.									
One Commissioner - - - -	-	-	-	1,000	-	-			
One Commissioner, 1l. 10s. per diem	-	-	-	549	-	-			
One Commissioner (duties performed by the Registrar of Deeds at Auck- land, without any additional salary)	-	-	-	-	-	-			
Secretary (duties performed by the chief clerk of the Survey Depart- ment, without any additional salary)	-	-	-	-	-	-			
Private secretary to Chief Commis- sioner - - - -	-	-	-	125	-	-			
Travelling expenses - - - -	-	-	-	357	18	-			
Interpreter at 7s. per diem, and two natives 20l. each per annum -	-	-	-	168	2	-			
							2,200	-	-
XX. REGISTRAR OF DEEDS.									
Registrar at Auckland - - - -	-	-	-	-	-	-	300	-	-
Carried forward - - - -	-	-	-	-	-	£.	24,088	13	-

	£.	s.	d.	£.	s.	d.	£.	s.	d.
Brought forward - -	-	-	-	-	-	-	24,088	13	-
XXI. MAGISTRATES AND POLICE:									
1. Auckland.									
Police Magistrate - - - -	200	-	-						
Clerk (provided by magistrate) -	100	-	-						
Chief constable, 5s.; and three constables, 3s. each per diem - -	256	4	-						
Contingencies - - - -	40	16	-	597	-	-			
2. Russell, Bay of Islands.									
Police Magistrate - - - -	200	-	-						
Clerk (also clerk to Court of Requests)	125	-	-						
Chief constable, 5s.: two privates and two boatmen, 3s. each per diem -	311	2	-						
Contingencies - - - -	25	6	-	661	8	-			
3. Hokianga.									
Police Magistrate - - - -	91	10	-						
Two constables, and two boatmen at 3s. each per diem - - - -	219	12	-						
Contingencies - - - -	8	18	-	320	-	-			
4. Wellington.									
Police Magistrate - - - -	200	-	-						
Police magistrate (visiting for Cook's Straits) - - - -	200	-	-						
Clerk - - - -	125	-	-						
Chief constable, 5s.; two serjeants, 4s.; and six privates at 3s. each per diem - - - -	567	6	-						
Native interpreter, 16l.; contingencies, 38l. 14s. - - - -	54	14	-	1,147	-	-			
5. Nelson.									
Chief Magistrate of Police - -	200	-	-						
Clerk and interpreter (also clerk to Court of Requests) - - - -	125	-	-						
Chief constable, 5s.; two serjeants, 4s.; and six privates, 3s. each per diem - - - -	567	6	-						
Contingencies - - - -	34	14	-	927	-	-			
6. Petre.									
Police Magistrate - - - -	91	10	-						
Serjeant, 4s.; and two privates, 3s. each per diem - - - -	183	-	-						
Contingencies - - - -	5	10	-	280	-	-			
7. New Plymouth.									
Police Magistrate - - - -	200	-	-						
Clerk (also clerk to Court of Requests)	125	-	-						
Chief Constable 5s., serjeant 4s. and two privates 3s. each per diem -	274	10	-						
Contingencies - - - -	20	10	-	620	-	-			
8. Akaroa.									
Police Magistrate - - - -	200	-	-						
Serjeant 4s., two privates and two boatmen, 3s. each per diem - -	292	16	-						
Contingencies - - - -	57	4	-	550	-	-			
Carried forward - -									
	-	-	-	-	-	£.	5,102	8	-
							29,191	1	-

	£.	s.	d.	£.	s.	d.	£.	s.	d.
Brought forward - - -	-	-	-	-	-	-	29,191	1	-
XXII. SURVEY DEPARTMENT.									
Surveyor-general - - -	-	-	-	620	-	-			
Three Assistant-surveyors at 200 <i>l.</i> each per annum - - -	-	-	-	600	-	-			
Chief Clerk and draftsman - -	-	-	-	150	-	-			
Draftsman - - - - -	-	-	-	12 <i>s.</i>	-	-			
Assistant-clerk - - - - -	-	-	-	109	16	-			
Ten surveying men, 2 <i>l.</i> 10 <i>s.</i> each per month - - - - -	-	-	-	300	-	-			
Three apprentices, pay and clothing -	-	-	-	27	-	-			
Rations of officers, men and ap- prentices - - - - -	-	-	-	180	-	-			
Allowance to Surveyor-general and one assistant, for one horse each, at 2 <i>s.</i> 6 <i>d.</i> per diem - - - -	-	-	-	91	10	-			
Contingencies - - - - -	-	-	-	196	14	-			
							2,400	-	-
XXIII. ABORIGINES.									
Chief Protector - - - - -	-	-	-	400	-	-			
Three Protectors 170 <i>l.</i> , and three 150 <i>l.</i> each per annum - - -	-	-	-	960	-	-			
Allowance for natives, to Chief and other Protectors - - - - -	-	-	-	400	-	-			
Clerk to Chief Protector - - -	-	-	-	91	10	-			
Travelling expenses and contingencies, including horse allowance to Chief Protector - - - - -	-	-	-	548	10	-			
							2,400	-	-
XXIV. TOWARDS COMPLETING PURCHASES OF LAND from the Aborigines - - - - -									
							800	-	-
XXV. TO MEET GENERAL CONTINGENCIES - - - - -									
							1,200	-	-
TOTAL - - - £.							35,991	1	-

Amounting to Thirty-five thousand Nine hundred and ninety-one Pounds One Shilling.

Colonial Secretary's Office, Auckland, }
New Zealand, 6 June 1844.

Andrew Sinclair,
Colonial Secretary.

ESTIMATE of the Probable Amount of REVENUE of the Government of *New Zealand*,
for the Financial Year 1844-45.

	£.	s.	d.
Customs - - - - -	18,000	-	-*
Land titles and Crown grants - - -	3,700	-	-
Registry of deeds - - - - -	300	-	-
Fees of Judicial and Police Courts -	900	-	-
Auction licenses and duties - - -	350	-	-
Publicans' licenses - - - - -	2,000	-	-
Incidental receipts - - - - -	750	-	-
Receipts from British treasury in aid -	10,000	-	-
Thirty-six Thousand Pounds. TOTAL - - £.	36,000	-	-

Colonial Secretary's Office, Auckland, }
New Zealand, 7 May 1844.

Andrew Sinclair,
Colonial Secretary.

* Erroneous: more probably 12,000 *l.*, or, even 10,000 *l.*

Robt. FitzRoy.

Sept. 1844.

— No. 10. —

(No. 25.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

No. 10.
Governor *FitzRoy*
to Lord *Stanley*,
20 August 1844.

My Lord,

Government House, Auckland, 20 August 1844.

From the middle of April, when I last sent despatches to your Lordship, to the middle of July, no interruption to the progress of public business occurred. The Legislative Council met on the 15th of May, and adjourned on the 18th of July.

A few days previous to the adjournment, accounts of serious disturbances at the Bay of Islands, and at New Plymouth were received almost simultaneously.

The arrival of Her Majesty's ship, "Hazard" on the 12th of July, was most opportune, and the accidental presence of a large merchant ship, in ballast, ready for sea, afforded still farther means of acting promptly.

As a temporary measure, a subaltern and 30 men of Her Majesty's 96th regiment were embarked on board this ship (the "Sydney"), and forthwith conveyed to Russell, in the Bay of Islands whence the ship proceeded direct to Sydney, with a despatch, of which a copy is enclosed, asking for military assistance.

On the 20th, I sailed in Her Majesty's ship "Hazard," for the Bay of Islands, and having ascertained that tranquillity was restored there, hastened to New Plymouth (or Taranaki), where I landed, and remained four days. Confidence and quiet having been restored, the "Hazard" then conveyed me to Wellington, where I staid only a few hours, finding all peaceful, and returned to Auckland without delay.

I arrived here yesterday, and shall sail for the Bay of Islands to-morrow, accompanied by Lieutenant-colonel Hulme commanding the troops, Captain Bennet of the Engineers, and a small reinforcement of military (15 men).

The Bishop of New Zealand, and the Chief Protector of Aborigines will also go with me, anxious to exert their good offices to prevent hostilities.

I shall find the "Sydney" at the Bay, with troops on board, and purpose to make an immediate demonstration of such a character, as will, I trust, overawe the ill-disposed, and encourage others who are friendly.

I anticipate good results from the extremely prompt arrival of the troops, of which I have just heard; and if they can be soon dispensed with, and return to Sydney, the effect will, I believe, be very beneficial, by proving that we do not take undue advantage of our strength.

I have, &c.

(signed) *Robert FitzRoy*, Governor.

Enclosure 1, in No. 10.

To his Excellency Captain *FitzRoy*, R. N., Governor and Commander-in-Chief of New Zealand, and its Dependencies, &c. &c.

May it please your Excellency,

Russell, 8 July 1844.

Encl. 1, in No. 10. WE the undersigned inhabitants of Russell, in the Bay of Islands, beg most respectfully to state to your Excellency the occurrences which have taken place here within the last few days, with a view of obtaining such military aid as will prevent their recurrence.

On Thursday last, the 4th day of July, between the hours of 3 and 4 o'clock, Mr. Henry Kemp, the Protector of Aborigines, waited upon one of the magistrates (Mr. Thompson), the police magistrate being absent on business at Hokianga, and informed him that a party of natives, headed by John Haki, a native chief, were assembled in considerable numbers at the mouth of the Waitangi, and that their determination was to come to Russell that evening, for the purpose of obtaining payment from a Maori woman, married to a white man named Lord, for abusive language applied by her to the aforesaid chief, and that it was to be apprehended that he would commit depredations on the white inhabitants of the place. Accordingly the magistrate went over to the Waitangi, and saw the natives about 7 o'clock in the evening. Mr. Kemp, who had previously gone over, took John Haki to his house, and thus prevented the natives coming over that night; in the morning, however, they came over and took possession of Lord's house. At half-past 7 o'clock in the morning, Mr. Kemp called at the magistrate's house, and in the course of the morning, every means was used by them, assisted by Nini, an intelligent and well disposed Hokianga chief, to induce John Haki to relinquish his intentions, and after a two hours' interview between

Haki

Haki and the parties above-named, it was understood that Haki would be content with taking away the woman, as he found he could not get the required payment. In the afternoon, Mr. Beckham arrived from Hokianga, and called upon the other magistrate, who communicated to him what steps had been taken. In the evening the natives had a war dance, and at night they broke into an unoccupied house belonging to Mr. Caffer, contiguous to Lord's house. The night passed off quietly, and the following morning, (Saturday), the natives commenced plundering several of the inhabitants, and entering houses, and threatening to violate the persons of one or two females, and exposing their persons indecently to others.

The Rev. Messrs. William Williams and Maunsell, Mr. Beckham, Mr. Thompson, and Mr. Kemp, had a long conversation with John Haki, and his party on the beach, which failed in making any good effect. Saturday night passed off quietly, as well as yesterday (Sunday). This morning at daylight they assembled in a body, and carried into effect that which they have been all along threatening; viz. the destruction of the government flag staff, which they accomplished by cutting it down and burning part of it, carrying away the signal-balls and the remaining part of the staff.

They had previously taken away a boat by force from a waterman named Fox, who lives at the Waitangi Falls, and hauled it up high and dry into a native pah at the mouth of the said river; this boat however, at the expostulation of Mr. Thompson and Mr. Kemp, was returned to the owner. It is now reported, that it is their intention shortly to return in greater numbers; for this of course we cannot vouch, but we trust your Excellency will consider that the facts above detailed are of themselves sufficient to justify your Excellency in affording us a small body of military for our protection, and we now beg to express our readiness, with your Excellency's permission, to form ourselves into a militia corps, in order to co-operate effectually with the troops, should the services of either one or the other be at any time required to carry the laws into effect.

It is our opinion, if your Excellency approves of a corps being formed, that the arms, ammunition and accoutrements should be supplied by the government, as this means would effectually prevent an improper use being made of them by the persons to whom they might be assigned; but we are quite willing to find our own arms, should your Excellency approve of our doing so, and shall at all times be ready and willing to aid and assist the proper authorities in carrying out the laws and defending ourselves and property.

The Wairau affair has very much emboldened the more evil-disposed portion of the native population, among which John Haki may be classed, and he has been heard to ask, "is Rauparaha to have all the credit of killing the Pakehas; let us do so as well."

Waiting with anxiety your Excellency's decision,

We have, &c.

(signed)

Wm. Clunie,
M. Whitlaw,
A. Gibson,

And 57 others.

SIR,

Russell, 8 July 1844.

By my letter of the 6th instant, I reported to you that "Hone Heke" with a party of rude young men, armed, had arrived at Russell, and committed several depredations on the inhabitants, at the same time using very threatening language, and thereby causing much alarm.

Having failed in expostulating with this chief and tribe, and but partially succeeding in deterring them from the perpetration of further violence, I solicited the interference of Archdeacon Williams, which that gentleman most willingly granted, and the party promised to remain in a peaceable state during the performance of Divine service; this promise they have fulfilled. I regret, however, to inform you, that early this morning, a portion of his tribe proceeded to the signal-station, and the whole of them being in readiness to change their position to Waitangi, have cut down the staff erected there.

I am glad to inform you, that although this chief has offered very much provocation to the white inhabitants, yet nothing has occurred to give these offenders any cause for their mischief. I likewise beg to state, that the neighbouring tribes entirely discountenance his proceedings, and from what I can learn, are ready to offer their assistance to the settlers in the event of any further aggressions.

I am, &c.

(signed)

H. Tacy Kemp,

Pro. Aborigines, N.D.

The Chief Protector of Aborigines, &c. &c. &c.

(True copy.)

(signed)

Thomas S. Forsaith.

Enclosure 2, in No. 10.

To his Excellency Captain FitzRoy, R.N., Governor of New Zealand, &c. &c. &c.

SIR,

ON Thursday morning last, the 4th day of July, at three o'clock, Hone Heke and his tribe went to the Ferry-house, at the Waitangi Falls (being the landing-place on Mr. Busby's side of the water, between Russell and the Waimate), kept by Mr. Fox, and

Encl. 2, in No. 10.

247.

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demanded to be let in, which he refused; they then endeavoured to force an entry through the door and windows, but finding the attempt ineffectual, they told him they should take the boat, which they did, and returned again with it the same morning at eleven o'clock.

A short time after, Mr. Bedegood, of the Waimate arrived, and requested Fox to put him across to Russell. On arriving at the mouth of the river, opposite Mr. Busby's store, some natives in a canoe from the Paihia side of the river, came out and seized the boat, dragged it on shore, and compelled the passengers and boatmen to get out, who were then obliged to walk to Paihia, and from thence arrived in Russell the same afternoon.

A report soon circulated, that Heke and his tribe had seized the boat to prevent any person from giving information of his intention to come over and make a "toua" (war, fight, inroad), on Mr. Lord, who had married one of his slaves, formerly the wife of Mr. Gray, and upon whom and the lodgers, Heke had made a levy about eight weeks since, taking away everything. Mr. John Haywood, who had just arrived from Sydney, by the "Thomas Lord," with an investment of goods, had rented one of Mr. Lord's rooms, and had he not fortunately removed them that afternoon, on account of the report in circulation, no doubt he would have lost the whole. Mr. Kemp, the Protector, arrived in Russell the same evening, and called on Mr. Thompson (Mr. Beckham being absent at Hokianga), and in the evening, Mr. Kemp returned across the water to Heke.

That same night, or rather, at one o'clock on Friday morning, Heke arrived in Russell, and occupied Mr. Lord's house, with his tribe; they remained quiet until about three o'clock in the afternoon, when they formed themselves at Lord's, and made a rush towards the centre of the beach, where they went through the war dance; after which, they seated themselves, and began to speak; the first speaker said, "War, war, war with the white people;" the second, "Cut them in pieces, and throw them into the sea;" a third, that "Rauperaha had killed white people, and why could not they;" and lastly, Heke got up, and in a long speech stated, that he was come for payment from Lord and his wife, and to cut down the flag-staff, and told us not to interfere. They then returned to Lord's house. During this time Mr. Beckham (who had just returned from Hokianga) and Mr. Kemp, were walking backwards and forwards at the end of the beach.

After a night of anxiety, the inhabitants were, as might be supposed, up and prepared with the first dawn of day. The first news was, that Heke's tribe had robbed a person of the name of Tobbey, of a pig, which was hanging up in his house, and had cooked it during the night. About half-past seven they commenced slaughtering the pigs running in the neighbourhood in front of the police magistrate's house, which was seen by our sheriff; they next broke into an empty house belonging to Mr. Cafer, and when that gentleman asked them why they had done so, and told them, had they applied to him, he would have opened it for them, the reply was, that they would chop his head off.

About 10 o'clock, Mr. Spicer, who had been all the morning talking with the natives, came to Mr. Gibson's store, where most of the inhabitants were assembled, awaiting the further proceedings of the natives, and informed them that Heke would not go unless he was paid a large tierce of tobacco, and that, as Mr. Lord was poor, we must pay it. It was proposed that some persons should wait on Mr. Beckham, and request him to call a meeting of the inhabitants. Messrs. Spicer, Macarthy and myself accordingly called on Mr. Beckham, and informed him of the desire of the inhabitants to place themselves under his command, and requested him to appoint a place of meeting; he replied that we need not alarm ourselves, as he had arranged every thing, and that the police would do their duty. I then asked him, how it was the police had permitted the depredations already committed; we received for answer, that we must submit to them until we had force sufficient to protect us. In reply, we stated, that if he would yield to the request of the inhabitants, he would find that there would be force sufficient to repel any further aggression on the part of the natives; that it was not our ambition to commence an affray, but show the natives that, although we had permitted them to proceed thus far, we were determined to put a stop to any further acts of violence; and that if he, Mr. Beckham, did not choose to assemble the inhabitants, that they would meet, and appoint some person to act in his place; he told us that he would put us down by force; we informed him that we had no wish to infringe the laws of our country, but that self-preservation was the first law of nature, and we would no longer quietly submit to the invasion of our homes, have our wives insulted by the natives wilfully exposing their persons to them, our daughters' clothes pulled over their heads, and our property stolen, and that, if such were his intentions, we would oppose force to force, and he would then see who would gain the day.

We were proceeding in our conversation, when Mr. Beckham told us that that was not a proper place to enter into the business, and he would meet us at the Court-house in ten minutes. We met accordingly at the Court-house, and I again urged the necessity of the people being organized, a house appointed as a guard-house, and patrols to be appointed at night, and not to suffer us to be cut off in detail, as would be the case if something were not done. Mr. Beckham refused, still saying we had not force enough, and that the police should keep guard. On being asked as to the stations of the police at the time the natives committed the robbery of the pig, and which they cooked the same night; it was confessed that they were in bed. The only boon we could obtain was, that the church bell should be rung in case of need, and the place of meeting should be the opening between the stores of Messrs. Wilson and Adderman, on the beach.

A boat was about to be sent to Paihia, for Mr. Kemp, the Protector, but as it was remarked that he was coming, it was recalled: this was about eleven o'clock.

The natives had been all the morning, and still were, entering persons' houses and plundering;

plundering; some of the stores were closed. Mr. Kemp, who had returned to Paihia in search of the Archdeacon Williams, landed with that gentleman and Mr. Maunsell, at Russell, between twelve and one o'clock. The two, in company with the Police Magistrate, proceeded to the natives, who still occupied Lord's house, and entered it, excluding the Europeans. Towards the afternoon the natives and the above gentlemen held a meeting outside the house, when Heke related the grievances of the natives, from the death of Marion to the present time, and particularly mentioned the manner the chiefs had been entrapped into signing the treaty at Waitangi. At the close of the evening, Mr. Beckham advised Mr. Lord to purchase a boat and give it to Heke; I happened to be present, and asked Mr. Beckham on what grounds Mr. Lord should give the boat, and if it were given, if Heke would pay for the damage that had been done; and I recommended Mr. Lord to do no such thing, as it would only be holding out a temptation for further plundering.

Ultimately, Archdeacon Williams gave them a bag of rice and some sugar; and the natives passing up the beach, pointing to the things, jeered us. All the houses were closed by dark, as if the town was besieged.

Things passed off pretty well on Sunday, with the exception of the interference with the duty at the Catholic chapel, by the tribe of Heke, and a few petty robberies.

On Monday morning, at daylight, the natives launched their canoes (eight) and sent them in charge of the women and boys to Waihihi, about a mile from Russell, towards the entrance of the Bay. They then proceeded in marching order to the point of the beach, opposite the Custom-house and gaol, and performed prayers with arms in hand; at the conclusion, a part were sent towards the flag-staff, to cut it down, the remainder, as a covering party, proceeding by another road to Waihihi, both of these roads meeting and forming into one, after passing the flagstaff; parties of the natives were stationed on the tops of the different hills as outposts. Mr. Beckham was, during this time, standing within 100 yards of the Custom-house. Mr. Potter and I followed the natives to the flag-staff, and asked them why they wished to cut it down, some said there had been no payment given for the land; others, that it prevented the ships coming in. On our arrival there, the natives proceeded to work, and I saw the honour of my country laid low, without any attempt to prevent it. The ropes the natives took away, and the staff and yard was cut into pieces. A demand was made for fire, and Mr. Tapper went to his house and got some.

Mr. Maunsell arrived at this time and began a tirade, when I told him the folly of such procedure, and said that it was useless to enrage them, seeing that we were without any arms, and the destruction completed.

When the whole was over, Mr. Beckham and a few of the inhabitants arrived; the natives met on an opposite hill, commenced a war dance, discharged their muskets, and retired to their canoes and left for the other shore.

The parties who have suffered from the depredations of the natives are, Mr. Cafer, Mr. Lord, Mr. Hearle, Messrs. Johnson, Mr. Smith, Messrs. Ryan, Tobbey, Reich and others, besides the insults and obscenity offered to the females and children, whose names prudence dictates should not be publicly promulgated, but which I am ready at any time to give to your Excellency.

I have referred in my letter to Mr. Lord's house having been stripped by the same natives eight weeks since, and the property of the lodgers taken. Was it told your Excellency, that Mr. Johnson seized one of the offenders, and took from him part of the plunder, at the risk of being run through by Heke, the police standing by and rendering no assistance; and Mr. Beckham, when applied to, said it must be borne. Can your Excellency tell where this will end; and are we again to be subject to similar outrages? There is no doubt of the fact; it was a preliminary attempt, and having succeeded, will be a further inducement to other incursions.

Had Mr. Beckham complied with the wishes of the inhabitants, instead of shrinking from his duty under the excuse of having no authority to act, the affair would have been settled, and we should have again redeemed our position, which we have partially lost in the late Wairau massacre.

This is not the first time Mr. Beckham has left the inhabitants in a similar position.

The force that could have been mustered in Russell would not have been less than 100 men, willing to stand up in defence of their families and property. Arms and ammunition could have been found in sufficient quantity; at any rate we should not have been in a worse position than the natives.

Thus your Excellency will perceive that the inhabitants and the town of Russell have been at the mercy of the natives for the last three days, without any efforts on the part of the authorities to protect them.

We have to thank Almighty God that no blood was shed by the Europeans whose property had been plundered, and wives and daughters outraged; such an event would have happened, as it was evidently the intention of the natives to excite us to hostilities.

Russell, 8 July 1844.

I have, &c.
(signed) C. Hector.

Enclosure 3, in No. 10.

Auckland, 12 July 1844.

Encl. 3, in No. 10

Sir,
By a small vessel which sailed hence yesterday morning, the following answer was sent to your letters of the 6th and 8th instant:—

Sir,
"I have laid before the Governor your letters of the 6th and 8th, giving an account of certain disturbances in your district, and in reference thereto, I am commanded by his Excellency to inform you, and to desire that you will make it known, that a detachment of military will be at Russell in a few days, and that a force sufficient to maintain British authority will be sent from Sydney in a few weeks.

"I am to enjoin you, under these circumstances, to be careful to keep on the right side, by a prudent perseverance in temperate and conciliatory measures, until self-defence render hostility unavoidable.

"I am to desire you to cause the flag-staff to be immediately replaced in the same position which it formerly occupied.

"I am, &c.

(signed) "Andrew Sinclair,
"Colonial Secretary."

I now address you myself on the same subject.

It appears from your letters, from the report of the Protector of Aborigines, and from the memorial now before me, of which a copy is enclosed, that the chief Heke with a considerable number of his tribe, chiefly young men, and all armed, committed outrages in the settlement of Russell (Kororareka), which have caused alarm and indignation among the inhabitants. The outrages I particularly refer to are, gross insults to females, and cutting down the Government flag-staff.

Such acts, unprovoked by any misconduct on the part of the settlers, but patiently borne by them with exemplary forbearance, cannot be tolerated by the Government. The honour of our countrywomen, and the honour of our flag, are alike dear to every Briton, and it is my duty to protect them from insult in this colony.

The conduct of Heke and his followers has been such a remarkable exception to that of New Zealanders, in general, and has already met with such marked disapprobation from other tribes, that I have little doubt they will insist on his endeavouring to atone for his acts by making such compensation as may be deemed adequate; but in the mean time it is necessary to prevent a repetition of any similar outrage.

An officer of Her Majesty's 96th regiment, and 30 men, will immediately be quartered in Russell (Kororareka).

This officer will have strict orders to act solely on the defensive for the maintenance of order and tranquillity, and the preservation of the peace of Her Majesty's subjects. He will be debarred from making any excursion into the country; and he will on no account employ the military under his command in hostile operations, except in self-defence, or, at the written request of the police magistrate, in defence of the inhabitants.

You will forthwith require the Protector of Aborigines to call together the principal chiefs in your neighbourhood, state to them what has happened, show them the consequences of such conduct, if allowed to pass unnoticed, point out the effects upon themselves and their children, if Europeans shun their neighbourhood and go to other places in preference, and request their assistance in obliging Heke to make such compensation and atonement as I shall deem necessary.

A military force may be expected from Sydney in a few weeks, accompanied by at least one ship of war.

You will take every proper means and opportunity of impressing upon all parties, European as well as native, that Heke is alone considered blameable; that it is from him that atonement will be demanded; and that the concurrence of all the other principal chiefs is desired and expected, in obliging him peaceably to acknowledge and make compensation for his misconduct, in offering insult to British women, and in cutting down the British flag.

I have, &c.

(signed) Robert FitzRoy, Governor.

Thomas Beckham, Esq.,
Police Magistrate, Russell.

Enclosure 4, in No. 10.

Encl. 4, in No. 11.

MEMORANDUM of Agreement made and entered into this 13th day of July 1844, between the Honourable Andrew Sinclair, Esquire, Colonial Secretary, on behalf of Her Majesty's Colonial Government of New Zealand, on the one part; and William Smellie Grahame, Agent for the Ship "Sydney," now lying in the Waitemata Harbour, or Port of Auckland, on behalf of the owners of the said ship, on the other part.

It is hereby agreed, that the said vessel being made ready, shall forthwith sail from the aforesaid port, having first taken on board such number of troops, with their stores, camp equipage, accoutrements, &c., as the officer commanding the troops aforesaid, shall think proper to cause to be put on board; and shall proceed immediately to the port of Russell,

in

in the Bay of Islands, and there land, in her own boats, the aforesaid troops, with their stores, camp equipage, accoutrements, &c., and on being discharged, shall, without any unnecessary delay, proceed to the port of Sydney, in New South Wales, whereat she shall receive on board such troops, with their stores, accoutrements, camp equipage, horses, guns, provisions, &c., as the Governor of that colony, or officer deputed by him shall think proper to put on board; the said ship not to be detained in the port of Sydney aforesaid more than 14 clear days, and shall then return, with all due despatch to the aforesaid port of Russell, there to land, if required to do so, in her own boats, the said troops, with their stores, camp equipage, horses, guns, accoutrements and provisions as aforesaid, or, if so required and directed by the Governor of this colony, or officer duly authorized by him, thence to convey the said troops to any other port of the said colony of New Zealand which may be indicated by the said authority.

In consideration whereof, the said Andrew Sinclair, Colonial Secretary as aforesaid, doth, on behalf of the said Government of New Zealand, agree and undertake to pay, by the hands of the Colonial Treasurer of the said colony, for the use and hire of the said vessel, to the said William Smellie Grahame, in full for the above services (port charges at Sydney excepted) the sum of five hundred and fifty pounds (550*l.*)

Provided, and it is hereby further agreed between the said parties, that in the event of the said vessel, on her return to the said Port of Russell, with troops as aforesaid, after notice having been given in writing by the master of the said vessel to the officer commanding the troops, of her readiness to disembark them, being detained at the instance of the Government of New Zealand, beyond 48 hours after her arrival at the said port, demurrage at the rate of eight pounds (8*l.*) for each working day, shall be paid to the agent of the said ship, by the New Zealand Government; and further, that for every day the said vessel shall be employed under the orders of the said Government, after the 48 hours above specified, the said agent for the said vessel shall be paid at the rate of eight pounds (8*l.*) for every day during which she shall be so employed, whether the said employment be to remain in the port of Russell or to proceed elsewhere. The said vessel to carry no cargo or freight, or passengers of any description, other than such as may be authorized in writing by the said Colonial Secretary of New Zealand, or by the Colonial Secretary of New South Wales.

Signed, sealed, and delivered at Auckland, in the colony of New Zealand, on the day and year above written.

In the presence of

John White, Master.

Ja. Stuart Freeman, Chief Clerk.

(signed)

Andrew Sinclair, (L. s.)

Wm. S. Grahame, (L. s.)

Approved and confirmed.

(signed)

Robt. FitzRoy, Governor.

Enclosure 5, in No. 10.

Sir,

Auckland, 13 July 1844.

ALTHOUGH the utmost pains and precaution have been used by me to avert the necessity of making a hostile display, there is no longer any alternative; and I am obliged to ask, in the most earnest manner, for immediate assistance, both military and naval.

Encl. 5, in No. 10.

Either we must submit to be treated as men not only unwilling, but unable to defend ourselves; to protect our women from insult, and our flag from dishonour; or we must now take such effective measures as will restore respect for our flag, and ensure tranquillity in the colony.

Recent disturbances at the Bay of Islands (described in the enclosed papers); Mr. Commissioner Spain's award against the natives at New Plymouth; and the unsettled state of the land question in the neighbourhood of Cook's Strait, present a prospect of difficulties which can only be met successfully, under God's Providence, by a timely demonstration of power.

To make such a demonstration, I now formally request such means as your Excellency may be able to supply. I am sure you will feel with me that the greater the display, the larger the force, the more speedy, peaceful and lasting will be the consequence.

Your Excellency is well aware, that if the military are to act in this country, under the existing circumstance and feelings, they ought to be employed in such a manner as to be overpowering.

To prevent delay in preparing means of transport, I have chartered the ship "Sydney," fit to carry more than 200 men; and I have to request that your Excellency will authorize the embarkation and temporary employment in New Zealand, of at least two companies of the Line, with camp equipage, two light field-pieces, a howitzer, some rockets and hand grenades, and a supply of provisions for three months.

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I propose

Enclosures to this Despatch.
(1.) Memorial from Russell.
(2.) Mr. Hector's Letter.
(3.) Governor FitzRoy to the Police Magistrate at Russell.
(4.) Charterparty of the Sydney.

I propose that this force should be disembarked near Waitangi, in the Bay of Islands, and there encamp; that it should be joined by part of the detachment here, and be supported by Her Majesty's ship "Hazard," and some other ship of war, which I trust your Excellency will be able to spare for this purpose.

I shall then demand ample atonement from the Chief Heke; and if he should refuse to comply with my just demands, I shall enforce them.

That the moral effect of these proceedings will be felt throughout New Zealand, to the permanent advantage of the New Zealanders themselves, as well as the settlers, is the opinion of the Chief Protector of Aborigines, and those whom I have consulted.

The ship by which I send this despatch conveys an officer of Her Majesty's 96th regiment, and 30 men, to the Bay of Islands.

Her Majesty's ship "Hazard" will sail immediately for Taranaki (New Plymouth), where also there are disturbances.

I need hardly state, that unless assistance be speedily and effectually given, the amount of injury done to this valuable colony, and the distressing results to the aborigines, as well as to the settlers, may be beyond calculation.

I have, &c.

His Excellency Sir George Gipps,
Governor-in-Chief, New South Wales.

(signed) *Robert Fitz Roy*,
Governor of New Zealand.

(Extracts.)

Enclosure 6, in No. 10.

Sir,

Government House, Sydney, 3 August 1844.

Encl. 6, in No. 10.

Your Excellency's letter of the 13th July last, soliciting in the most earnest manner military assistance from this colony, in consequence of events which have occurred at the Bay of Islands, have reached me yesterday at one o'clock P. M.

By the Minute of my Executive Council, of which a copy is inclosed, your Excellency will perceive that I lost no time in taking the requisite measures to afford you all the assistance in my power, and I have now the satisfaction to inform you, that a party consisting of a field officer and 150 men of the 99th regiment, is embarked on board the ship "Sydney," which will proceed on her return to the Bay of Islands as early to-morrow morning as wind and tide may permit.

* * * * *

I feel it my duty to ask your Excellency's attention to the concluding part of the minute of Council which is enclosed.

I have, &c.

(signed) *Geo. Gipps*.

Governor FitzRoy, &c. &c. &c.
New Zealand.

MINUTE of Proceedings of the Executive Council relative to an application from the Governor of New Zealand, for military assistance from this Colony, 2 August 1844.

HIS Excellency the Governor laid before the Council a letter, which he stated he had within the last hour received from the Governor of New Zealand, dated 13th July, informing him that occurrences of an alarming nature had taken place at the Bay of Islands, and applying in very earnest terms for military assistance from this colony.

* * * * *

The Governor then asked the advice of the Council, as to the course which should be pursued.

The Council advised that aid, as nearly as possible to the required amount, should be afforded to Governor FitzRoy; but looking to the repeated instructions which had been received from Her Majesty's Government, respecting the distribution of the troops in the Australian colonies, recommended that an intimation should be made to Governor FitzRoy, to the effect that the troops are only sent to New Zealand in consequence of the emergency which has arisen; and that they must be returned to New South Wales as soon as that emergency shall have ceased to exist.

(signed) *Francis L. S. Merewether*,
Clerk of the Council.

Enclosure

Enclosure 7, in No. 10.

Sir,

Russell, Bay of Islands, 4 September 1844.

I HAVE the honour of acknowledging the receipt of your Excellency's letter dated the 3d ultimo, enclosing a minute of your Executive Council respecting the military assistance so earnestly asked for in my letter of the 13th of July. Encl. 7, in No. 10.

It is now my pleasing duty to thank your Excellency in the warmest terms, for the effective aid so promptly given.

The effect produced by the very speedy arrival of the detachment of Her Majesty's 99th regiment with guns, camp equipage and provisions, has completely answered the object in view, without bringing the troops into actual operation; and I am now able to send them back to Sydney, in compliance with the intimation conveyed in the minute of your Executive Council.

The ship "Sydney," arrived here on the 14th ultimo, before I had returned in Her Majesty's ship "Hazard" from settling some disturbances at Taranaki (New Plymouth).

The troops disembarked, and encamped at Russell, where their appearance caused all the impression that was desired.

Directly I arrived with the "Hazard" and the Colonial brig "Victoria," on the 25th ultimo, the military were embarked, and the ships took up a position in Tepuna Bay (otherwise called Tareha River), where preparations were made for landing at Keri Keri, and marching into the interior.

The night before the force (as per margin) was to have landed, I received very earnest entreaties from the majority of the neighbouring chiefs, expressed through the Protector of Aborigines, that I would desist from approaching hostility, and allow them to make atonement on behalf of Heke and their other relatives, for the insults of which they had been guilty, becoming also themselves responsible for future tranquillity.

Troops, 210.
Seamen 40.

On this the force was moved back to Russell (Kororareka), and a general meeting of chiefs was convened at the Waimate.

At that meeting, on the 2d instant, all the chiefs of this neighbourhood, and Hokianga were present, except the offender Heke; atonement was made by them for his misconduct by giving up the number of guns and tomahawks which I demanded; and the most satisfactory assurances of good feeling and attachment to the British Government and people, were publicly made by every chief of note and influence.

Sufficient guarantee has thus been given for permanent tranquillity, and the whole force will be this day withdrawn, by which another marked and widely spreading effect will be produced.

The whole of this disturbance has been caused by the false assertions of bad and designing men, English, * * * and * * *; by the land question; and above all, by Customs regulations, which have almost destroyed the traffic of the Bay, without producing any very considerable amount of revenue.

By removing the Custom-house officers from this port, the root of the mischief will be, I believe, extracted.

I trust that the demonstration your Excellency has enabled me to make, will have the most salutary effects throughout the colony, and returning earnest thanks in the name of all inhabitants of New Zealand,

His Excellency Governor Sir George Gipps,
&c. &c. &c. Sydney.

I have, &c.
(signed) *Robert FitzRoy*,
Governor of New Zealand.

— No. 11. —

(No. 26.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

No. 11.
Governor *FitzRoy*
to Lord *Stanley*,
7 September 1844.

My Lord, Government House, Auckland, 7 September 1844.

I HAVE the honour of forwarding to your Lordship a copy of the Minutes of the Executive Council, for the half year ending 30th June 1844.

I have, &c.
(signed) *Robt. FitzRoy*, Governor.

Extract of Enclosure in No. 11.

Encl. in No. 11. Copy MINUTES of the EXECUTIVE COUNCIL of *New Zealand*, from the 1st day of January to the 30th day of June 1844.

Monday, 8 January 1844.

Present.—The Governor, the Attorney-general, the Treasurer.

Mr. Ligar, the Surveyor-general, being in attendance, was introduced.

The Governor then put the following questions to the Surveyor-general.

Governor.—Mr. Ligar, as Surveyor-general, what in your opinion is the principal difficulty in issuing grants to those land claimants whose claims have been decided by the Commissioners to be good?

Mr. Ligar.—Want of surveys. The absence of such surveys being the result of the claimants not having applied to Government for leave to have their land surveyed by licensed surveyors, the Government allowing in all such approved applications, 3*l.* per lineal mile for the surveys. There appears also to be a feeling among the land claimants that their titles to the land, as derived from the natives, are equally as good as the title they would receive from the Crown. Another feeling which tends to make them not apply for leave to have the land surveyed under the existing regulations, is on account of the fee of 5*l.* charged by the Government on issuing the grant.

Governor.—How many licensed surveyors do you suppose there are?

Mr. Ligar.—Six.

His Excellency, in continuation, stated, that it appeared to him to be indispensably necessary that some immediate and active steps should at once be adopted for bringing to a speedy termination the long-protracted subject of the land claims. From the statement of the Surveyor-general, it would appear that the greatest difficulty arose from the lands not having been surveyed, to enable the Government accurately to define the boundaries of the lands in the Crown grants. His Excellency remarked, that if the ordinary system of land surveying, that of making a strict mathematical survey, was adopted in this instance, there was no saying at what period the surveys would be completed. It appeared to him that a sufficiently accurate survey might be obtained by means of descriptive boundaries, lines described in writing, assisted by eye sketches; he would, however, be glad of the opinion of the Council on the subject. After a most serious consideration, the Council were of opinion, that the suggestion offered by the Governor appeared well adapted for promoting the ends desired; they would therefore recommend, that instructions be issued to the Surveyor-general, based on the foregoing suggestions.

His Excellency then stated, that in consequence of the last recommendation of the Council, to enable him to carry it into effect, it would become necessary that the survey staff should be strengthened, and he consequently directed the Surveyor-general to make the necessary arrangements for replacing the whole of the surveyors who had been discharged from Government service.

Monday, 15 January 1844.

Present.—All the Members.

THE Council met pursuant to notice.

The minutes of the last meeting were read, and after being amended were confirmed. His Honor (the Chief Justice) and Mr. Justice Chapman being in attendance were introduced.

His Excellency informed the Council, that under the provisions of the Supreme Court Ordinance, it became necessary to divide the colony into districts, and requested their opinion on the subject. Upon consideration the Council were of opinion, and therefore recommended, that the colony should be divided into two districts, to be called the Northern and Southern Districts. The Northern District to comprise and include all that portion of the Northern Island, New Ulster, lying to the northward of a line commencing from a point on the coast, two miles in a straight line southward of the mouth of the Wairoa in Hawke's Bay, thence in a straight line to the summit of the mountain commonly called Tongatero, thence along the highest ridge lying between that mountain and the summit of Mount Egmont, from the summit of Mount Egmont to the source of the Otumatua, and along the middle of the Otumatua to the sea; and also so much of the sea adjacent thereto as lies within the jurisdiction of the vice-admiral of New Zealand. The Southern District to comprise and include all that portion of the said island of New Ulster which lies to the southward of the aforesaid line, and also the whole of the line of New Munster and New Leinster, together with so much of the sea adjacent thereto as lies within the jurisdiction of the vice-admiral of New Zealand. The Council were further of opinion, and therefore recommended, that for the present all those islands lying contiguous to the colony of New Zealand, and commonly known by the name of the Chatham Islands, should be included in the Northern District.

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The Council also were of opinion, That each case upon which a question of law arises should be taken cognizance of by the Judge of the Supreme Court for that district, the coast of which lay nearest to the place where the offence was committed or the cause of action arose.

His Excellency then suggested the propriety of fixing a period for holding circuit courts for the despatch of civil and criminal business. Upon consideration the Council recommended, that circuit courts for the despatch of civil and criminal business shall be held at Nelson on the 1st day of October in this present year, or as soon thereafter as conveniently may be, and in each succeeding year on the 1st day of April and 1st day of October, or as soon after each of the said days respectively as conveniently may be. His Excellency stated, that there was one subject more for the consideration of the Council before the Judges left; viz. the reading and approving the rules of the Supreme Court, in pursuance of the 25th clause of the Supreme Court Ordinance. The clerk then read the rules as prepared by their Honors the Judges, and which, after a few verbal amendments, were approved of, and the same were ordered to be in force and effect until the termination of the next sitting of the Legislative Council.

Their Honors the Judges then withdrew.

His Excellency the Governor informed the Council that he was desirous that a new Board of Commissioners of Audit should be appointed, which should be made more in conformity with the instructions from the Secretary of State, directing that the Commissioners should be selected from three of the principal officers of the Government; and he would propose, that the Colonial Secretary, the Clerk of the Council, and the Registrar of Deeds, be Commissioners *pro tempore* to examine the public accounts. His Excellency also proposed that for many urgent reasons connected solely with the efficient carrying on of the public service, that Mr. Tucker, late Colonial Storekeeper, be appointed Chief Clerk of the Audit Department, at a salary of £.200 per annum. The foregoing appointments to commence from this date.

Friday, 22 March 1844.

Present.—All the Members.

THE Council met pursuant to notice. The Minutes of the 15th January were read and confirmed, and the minute of the meeting convened by Major Bunbury on the 21st February, were read, and the correctness thereof certified by the Clerk of Councils.

His Excellency informed the Council, that as he required the services of Mr. Fitzgerald, at present a member of the Audit Board, in another department of the Government, it would be necessary to appoint some other officer to fill up the vacancy that would arise, and suggested that Mr. Hogg, the acting collector of Customs, should be appointed to the office, if the Council saw no objection. Upon consideration, the Council deeming Mr. Hogg a very fit and proper officer, recommended that the appointment do take place.

The next subject his Excellency wished to bring under the consideration of the Council, was the establishment of a land office in immediate connexion with the Surveyor-general's department. His Excellency explained that it was not his intention, in making this appointment, to incur any additional expense; his object was to unite every thing connected with land, except the payments for and actual survey thereof, under one department; to carry his views into effect, he proposed to appoint Mr. Fitzgerald, a Commissioner of Land Claims, in the room of Major Richmond, appointed to be Superintendent of the Southern Division, and that Mr. McIntosh, at present clerk in the Surveyor-general's department, should be appointed secretary to the commission, without any addition to their present salaries. Upon consideration, the Council recommended that the foregoing appointments do take place; and they further recommended, that all communications respecting land should be made through the Colonial Secretary for the information of his Excellency the Governor, who will refer the same, if occasion should require, to a commissioner, and when acted upon, the same to be returned to the Colonial Secretary's office for record.

Mr. Clarke being in attendance, was introduced.

His Excellency stated, that the next question he wished to submit to the Council, was one of a very grave and important nature; viz. "an arrangement for sanctioning the purchase of lands direct from the aboriginal owners." His Excellency then read to the Council a draft of the proposed arrangement. After a prolonged discussion, and much deliberation on the subject, it was agreed that the further consideration thereof should be again submitted to the Council on Monday, the 25th instant, for their final opinions.

Monday, 25 March 1844.

Present.—All the Members.

His Excellency next brought before the Council the financial state of the colony, and informed the Council that a sum of more than 5,000 £. having been due, since the 31st December 1843, for arrears of salaries and payment of tradesmen's bills, he had instructed the Colonial Treasurer to negotiate a loan for that amount with the New Zealand Banking Company, at an interest of 10 per cent., but that the Colonial Treasurer could only effect an arrangement with the bank for 2,000 £. at 12½ per cent.; the manager of the bank stating, that the directors might,

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perhaps,

perhaps, at some future period, advance 2,000 *l.* more at a similar rate of interest. His Excellency then stated, that instead of subjecting the Government to so great a loss as must be incurred in taking up money at so high a rate of interest, he had decided to assume the responsibility of drawing on the Lords of the Treasury for a sum equal to that voted by Parliament in aid of the revenues of New Zealand for 1843-44, (exclusive of the Bishop's salary, paid by the Commissariat), viz., 6,945 *l.* 15 *s.*

[Council then adjourned.]

Wednesday, 10 April 1844.

Present.—All the Members.

THE Council met pursuant to notice.

The minutes of the last meeting were read and confirmed.

His Excellency the Governor informed the Council, with reference to the last minute of the foregoing meeting, that difficulties had arisen which would prevent him from carrying out the arrangement he had contemplated, relative to drawing bills on the Lords of the Treasury, the New Zealand Banking Company being unable to negotiate them here, and having declined to guarantee them in Sydney as in former cases. His Excellency stated that the sum he had intended to draw for, was 6,945 *l.* 15 *s.* Bills to the amount of 945 *l.* 15 *s.* only had been drawn, and transmitted to Wellington for sale, and he now proposed to cancel the other 6,000 *l.* which had been prepared, as he did not think it advisable to compromise the credit of the Government by sending these bills to Sydney, in a form different from that of the bills previously drawn by him. The only alternative to which recourse could be had under existing circumstances, appeared to be that of issuing notes, entitling certain persons to receive sums (now due to them by Government) at a future period, with interest at the rate of 5 per centum per annum on the respective amounts. Such notes being issued in sums sufficiently small to make them an available circulating medium, would probably relieve much of the existing difficulties caused by the Government officers' salaries being nearly six months in arrear, and a large amount of contingencies due by the local Government having remained unpaid during the last six months, and would prevent that extreme distress arising during the ensuing winter, which must be the inevitable consequence of such a state of things being permitted to exist much longer; there being at present very little money in the place, and little or no means of borrowing, even upon the best security, except at the exorbitant rate of interest of 15 per cent. His Excellency in continuation remarked, that the deficiency down to the end of the last quarter, amounted in round numbers to more than 9,000 *l.* being for five months salaries unpaid, and for contingencies, during the last half year, and he therefore requested the advice and opinion of the Council as to the measures to be adopted. After full deliberation, the Council were unanimously of opinion, that the issuing of notes, as proposed by his Excellency, was not only necessary, but that there was no other alternative, and was the only measure that could be adopted under these circumstances. His Excellency then proposed the following as the form in which the notes should be issued, which form was agreed to by the Council.

305 a.
305 a.
305 b.
305 c.
305 g.
305 j.
305 k.

His Excellency next brought before the Council the claims of William Webster, numbered as in margin, amounting to 7,541 acres, as recommended by Commissioners Godfrey and Richmond. His Excellency remarked, that only 2,500 acres could be granted upon each claim, without the express sanction of the Governor, with the advice of the Executive Council, in accordance with the sixth clause of the Land Claims' Ordinance, and requested the opinion, of the Council, whether the Commissioners should be authorized to recommend an extension of the grant. The Council, after hearing and deliberating on the case, advised that the Commissioners should be authorized to recommend an extension of the grant.

No. 269 a.

William Thomas Fairburn's claim, as numbered in the margin, was next submitted to the Council. His Excellency remarked that the Commissioners had reported that the claimant had validly purchased 40,000 acres of land, and requested the opinion of the Council whether this was also a case that should be referred to the Commissioner for a recommendation as to an extension of the grant. Upon consideration, after hearing his Excellency's statement of the case, the Council agreed that the Commissioner should be authorized to recommend an extension of the grant.

[Council adjourned *sine die*.]

Thursday, 2 May 1844.

Present.—All the Members.

THE Council met pursuant to notice.

The minutes of the last meeting were read and confirmed.

His Honour the Chief Justice being in attendance, was introduced.

His Excellency, the Governor laid before Council a copy of the rules of the Supreme Court, touching the administration of estates and effects of persons deceased, also a general rule of the said court for changing the *venue* in criminal cases, which, after being severally read by the clerk, were approved by the Council, and ordered to be printed.

[His Honour the Chief Justice withdrew.]

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His Excellency next brought before the Council the recommendations of the Commissioners on the land claims of James Busby, numbered as in margin, amounting to 3,264 acres, and requested the opinion of the Council whether the Commissioners of Land Claims should be authorized to recommend an extension of the grant. The Council after consideration of the subject, and the reasons adduced by the Governor, advised that the Commissioners should be authorized to recommend an extension of the grant.

Nos. 14 to 22,
inclusive.

His Excellency then submitted the claims of Messrs. McCaskill, Martin and others, numbered as in margin, for the consideration of the Council. His Excellency remarked, that on the two claims, the Commissioners had recommended 1,296 acres, and 1,379 acres, amounting together to 2,675 acres; that the quantity claimed in one case was 4,000, and in the other, 8,000 acres; that a sum of 6,000*l.* had been expended in establishing saw-mills, erecting works, making dams, &c.; and it further appeared, that a portion of this expenditure had been made on the faith of a promise from Governor Hobson, that these claims should be considered "special," in consideration of the outlay the claimants had previously expended. His Excellency therefore requested the opinion of the Council, whether this case should be referred to the Land Commissioner, authorizing him to recommend an extension of the grant.

No. 143 & 143 a.

The Council, after hearing and deliberating on the subject, considered that, from the peculiar circumstances attending the case, the claim ought to be considered a special one, and advised that the Commissioner be authorized to recommend an extension of the grant.

George Thomas Clayton's claims as numbered in the margin, was next brought before the Council. His Excellency remarked that the lands claimed, viz. 100 acres and 1,200 acres, were in the immediate vicinity of Auckland, and had been taken possession of by Government for public purposes, a small grant only having been awarded to him in lieu. The Commissioners having decided that the claimant had validly purchased the land, it appeared to his Excellency a case of extreme hardship, and requested the opinion of the Council whether this case should be referred to the Commissioners for a recommendation as to an extension of the grant.

No. 65.

65 a.
65 b.
65 c.
65 e.
65 f.
65 g.
65 h.
65 j.
65 l.
65 m.
65 n.
65 o.
65 k.

After consideration of the case, the Council agreed that the Commissioners should be authorized to recommend an extension of the grant.

(signed) J. Coates,
Clerk of Councils.

Wednesday, 8 May 1844.

Present.—All the Members.

THE Council met pursuant to notice. The minutes of the last meeting were read and confirmed. His Excellency laid before the Council a copy of the scale of allowances to witnesses attending the Supreme Court in criminal cases, which being approved by the Council, were ordered to be printed and annexed to the rules of the Supreme Court.

The next subject submitted for the consideration of the Council was the claim to land of Mr. George Clarke, Chief Protector of Aborigines. His Excellency stated, that from the report of the Land Commissioner, it would appear that Mr. Clarke had actually paid enough to entitle him to a grant of 26,000 acres, but that he only claims 5,500, the title to which is unobjectionable; it further appeared also, that his actual expenditure had been proved to be upwards of 3,000*l.* In accordance with the provisions of the Land Claims' Ordinance, the Commissioners had awarded him a maximum grant of 2,560 acres only, his Excellency therefore requested the advice of the Council whether this was a case that should be referred to the Commissioner, authorizing him to recommend an extension of the grant. After consideration of the circumstances connected with the case, the Council were unanimously of opinion that it should be referred to the Commissioner, authorizing him to recommend an extension of the grant.

Tuesday, 21 May 1844.

Present.—All the Members.

THE Council met pursuant to notice.

The minutes of the last meeting were read, and confirmed.

His Excellency submitted for the consideration of the Council the claim of Messrs. Elmsly and Walton, of Kiapara, numbered as in margin. His Excellency stated, that from the report of Mr. Commissioner Godfrey, the claimants had, prior to the issuing of Sir George Gipps's proclamation, entered into arrangements for the purchase of a tract of land, and had paid a deposit thereon; that one of the claimants proceeded to Sydney for the express purpose of procuring the articles required by the natives to complete the purchase; that the articles were actually purchased, and would have been delivered to the natives in completion of the purchase before the issuing of the proclamation, but in consequence of repairs being required to the vessel, and which were discovered after having been chartered to bring down the articles, unavoidable delay occurred, and the purchase was not completed until after the proclamation had been issued. The whole amount paid by claimants would entitle them to upwards of 4,000 acres, but the Commissioner had only recommended a grant for 673 acres, being at the rate of three times the amount paid as a deposit. His

No. 87.

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Excellency then requested the opinion of the Council, whether this claim should be referred to the Commissioner; upon consideration, the Council recommended that the above claim should be referred to the Commissioner, authorizing him to recommend an extension of the grant.

The next claim submitted, was that of Messrs. Grahame and Wright, numbered as in margin. His Excellency stated, that the sum paid by claimants amounted to 1,856*l.*, which would entitle them to a grant of 4,640 acres, and the Commissioner had recommended a maximum grant. His Excellency observed, that besides the amount actually proved before the Commissioner, other large sums had been expended in connexion with the establishment and emigration of settlers; he therefore requested the advice of the Council, whether this claim should be referred to the Commissioner.

Upon consideration, Council were unanimously of opinion, that this was a very fit claim to be referred to the Commissioner, authorizing him to recommend an extension of the grant.

(True copy.)

(signed) J. Coates.

Thursday, 6 June 1844.

Present.—All the Members.

THE Council met, pursuant to notice.

The minutes of the last meeting were read and confirmed.

His Excellency informed the Council, that many of the land claimants who were desirous of exchanging the lands awarded to them by the Commissioner of Claims for Land near Auckland, had not as yet paid the fee upon the final report of their claims, and that if Government made it compulsory on them to pay that fee before the exchange takes place, many claimants would be prevented from availing themselves of the indulgence. His Excellency, therefore, requested the opinion of the Council, whether the parties desirous of exchanging should be called upon to pay the fee, prior to the exchange taking place? or whether it would be desirable to extend the time for paying the fee. Upon consideration, the Council were of opinion, that payment of the fee on the final report of the Commissioner of Land Claims, should be deferred until the issue of a Crown grant for any land obtained in exchange for that in respect of which the said fee might be payable. The Council were further of opinion, that no grant consequent on any exchange of land, should be issued after six months subsequent to the day of sale or exchange, and claimant would therefore, in order to obtain any such grant, have to pay the fee within six months from the day of exchange.

Mr. Ligar, the Surveyor-general, being in attendance, was introduced.

His Excellency informed Mr. Ligar, that the Council were desirous of ascertaining the quantity, quality and locality of the land he proposed advertizing for the June quarterly sale. The Surveyor-general produced the plan, and pointed out the portions of land that he intended to offer for sale, and also to meet the large demands that would be made by claimants desirous of exchanging their lands for portions in the vicinity of Auckland. Upon consultation with the Surveyor-general, and after inspecting the plans, Council were of opinion, and therefore recommended the following land be offered for sale and exchange; viz.

40 acres of town land.

1,000 acres of suburban land.

2,000 acres of land at the Waee.

6,000 acres of country land, about Papakura.

20,000 acres of country land, beyond Papakuara.

Council further recommended that the Surveyor-general be directed to forward the preparation of the allotments as speedily as possible, and that he should exercise his own judgment in limiting the size of the allotments, according to the demand.

[Council adjourned *sine die*.

(True copy.)

J. Coates. Clerk of Council.

Wednesday, 12 June 1844.

Present.—All the Members.

THE Council met pursuant to notice.

The minutes of the last meeting were read, and confirmed.

His Excellency submitted to the Council the land claims of the Reverend Henry Williams, numbered as in margin. His Excellency stated, that from the reports of the Commissioners, Messrs Godfrey and Richmond, the claimant had actually paid enough to entitle him to claim 22,131 acres, but that the whole of his six claims amounted only to 11,000 acres. In accordance with the provisions of the Land Claims Ordinance, the Commissioners had recommended awards amounting together to 7,010 acres. His Excellency remarked, among other things, that there could not be any doubt that Mr. Williams had done more for the advancement and improvement of the aboriginal race, and in fact for the general interests of the colony at large, than any other individual member of the missionary body; he, Mr. Williams,

was

No. 245.

245 a.

245 b.

245 c.

245 d.

245 e.

was therefore highly entitled to favourable consideration, and his Excellency would request the opinion of the Council, whether Mr. Williams's claims should be referred to the Commissioner, authorizing him to recommend an extension of the award. Upon consideration, the Council were unanimously of opinion, that taking into consideration all the circumstances in connexion with Mr. Williams's claims, the Commissioner should be authorized to recommend an extension of the grant in his favour.

The Governor stated, that the next subject he would bring under their notice related to the financial state of the colony. His Excellency remarked, that from a despatch recently received from Lord Stanley, dated 19th December 1843, no prospect was held out of any assistance being afforded to the colony from the British Treasury. On the contrary, his Lordship's remarks would lead to the inference that the whole Government establishment must be supported solely from the colonial revenue; under these circumstances it became absolutely necessary to take some decisive precautions at once. His Excellency stated, that he had written to the Secretary of State in January last, informing him of the real position of the colony; and in all probability, answers would be received in October or November; pending those answers it was necessary to prepare for the least favourable views. He had therefore to propose, for the consideration of the Council, that after the present quarter, ending 30th June, only salaries not exceeding 80*l.* per annum should be paid in full; that all salaries above 80*l.* should be paid that sum in full, but of the respective remainders, at the rate of only one-half, until further arrangements should be made by the Council. Unanimously agreed to.

The Governor next brought under the consideration of the Council the propriety of proceeding in the Legislative Council with the consideration of the Court of Requests Bill, the Council had just been informed of the confirmation of the County Court Ordinance by Her Majesty, and were aware that it would be apparently in direct opposition to that decision, to introduce any Ordinance to repeal that Ordinance; but as, after much reflection, he felt convinced that the colony could not maintain the county court establishment, and would be extremely benefited by the institution of courts of requests, he was disposed to take upon himself the responsibility of proceeding with the measure now before the Legislature; he would however be glad of the advice of the Council on the subject. Upon consideration, Council were of opinion, that it was a measure of high importance to the interests of the colony, and that county courts could not be maintained; therefore, in their opinion, the Bill for instituting courts of requests should be proceeded with, and that the county court Ordinance should be repealed provisionally.

For Lord Stanley's Despatch, 19 Dec. 1843, *Vide Appendix to Report of New Zealand Committee, ordered by the House of Commons to be printed, 29 July 1844, No. 556, page 254.*

Tuesday, 18 June 1844.

Present.—All the Members.

THE Council met pursuant to notice.

The minutes of the last meeting were read and confirmed.

His Excellency submitted for the consideration of the Council, the land claims of Messrs. William Abercromby, Jeremiah Nagle and William Webster, to the Barrier Island. His Excellency stated, that it appeared from the Report of Mr. Commissioner Godfrey, that the claimants had validly purchased a considerable part of the Barrier Island, but as one of the parties, William Webster, has already had a large grant awarded to him upon other claims, the Commissioner had not recommended any grant in respect of this claim to either of the said parties. His Excellency remarked, that this appeared to him a case of extreme hardship, and as he considered that great benefit would accrue to the colony by awarding those parties a grant of part of the Barrier Island, for the purpose of enabling them to proceed with their mining operations, on which much capital had already been expended, he felt disposed, as this was a special case, to step out of the usual course. He would, however, be glad of the opinion of the Council on the following points:—

1st. Whether any grant should be issued to Messrs. Abercrombie, Nagle and Webster and

2dly. Whether the Commissioner should be authorized to recommend an extension of any such grant, beyond 2,560 acres.

After full consideration, Council were unanimously of opinion that, under the peculiar circumstances of this case, a grant of part of the Barrier Island should be awarded to the claimants, and that the Commissioner should be authorized to recommend an extension of the said grant beyond the usual maximum of 2,560 acres.

(True copy.)

(signed) J. Coates, Clerk of Council.

(No. 27.)

— No. 12.—

COPY of a DESPATCH from Governor FitzRoy to Lord Stanley.

(Received 27 January 1845.)

My Lord,

Government House, Auckland, 11 September 1844.

No. 12.

I HAVE the honour to inform your Lordship, that I have this day drawn the several sets of Bills of Exchange upon the Lords Commissioners of Her Majesty's Treasury, to Lord Stanley, 11 September 1844.

247.

N 3

Treasury, which are specified below, amounting together to the sum of (£. 1,500) fifteen hundred pounds sterling; being on account of salaries provided for by Parliamentary Grants.

Sets of Bills.						
No. 18	-	-	-	-	-	for £. 250
„ 19	-	-	-	-	-	„ 250
„ 20	-	-	-	-	-	„ 250
„ 21	-	-	-	-	-	„ 250
„ 22	-	-	-	-	-	„ 250
„ 23	-	-	-	-	-	„ 250
						<hr/> £. 1,500

I have, &c.

(signed) *Robert FitzRoy*, Governor.

The above-mentioned salaries are authorized by a letter from Lord Stanley to the Officer administering the Government of New Zealand, No. 24, dated 13th March 1843.

In future the new instructions relative to the mode of drawing for these salaries will be strictly followed.

(signed) *Robert FitzRoy*, Governor.

— No. 13. —

(No. 28.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

No. 13.
Governor Fitzroy
to Lord Stanley,
14 Sept. 1844.

Auckland, 7 Sep-
tember 1844.

My Lord, Government, House, Auckland, 14 September 1844.

REFERRING to my despatch, No. 19, dated May 25th ultimo, I have the honour to send your Lordship a copy of a report from Mr. Protector Shortland to the Chief Protector of Aborigines, which seems to me interesting and valuable, not only with reference to the question about Motiti, but as indicative of the tenacious tenure of land in this country.

I have, &c.,

(signed) *Robert FitzRoy*, Governor.

Enclosure in No. 13.

Sir,

Auckland, 7 September 1844.

Encl. in No. 13.

I HAVE the honour to inform you that, on Monday 5th August, I left Otumoetai, and having passed one day at Maunga-tapu, reached Maketu on the 6th.

I had never found Tupaia disposed to say much relative to Ngatiwakaue; but Taipari appeared very anxious to re-establish a peace, and proposed to conduct any of their chiefs who would consent, to Otumoetai to visit Tupaia; in fact any natives of Ngatiwakaue, not immediately connected with Tohi's party, now pass between Rotorua and Maunga-tapu with impunity, and a small body of missionary natives from Rotorua have, with the consent of Taipari, settled themselves at Kaituna, on the river which runs past Maketu.

At Maketu I found the principal obstacles to peace were Te Amohan, and Tohi; the former on account of Motiti, the latter on account his son, Ngakai, lost at Katikati.

Te Mokorou and Te Awaitaia, chiefs of Waikato, had already visited Rotorua, and had returned; they were met by Korokai, Pongo, Hikairo, Te Pukuatua, and the most influential chiefs of that country, except Te Amohau and Tohi; when it was agreed that Ngatiwakaue should not meddle with Motiti, as long as Waikato and Ngatiawa remained quiet. Te Amohau and Tohi have expressed to me their assent to this.

I was now desired by Tohi to enter into another question of more moment to him, namely, respecting the purchase of the piece of land (about 200 acres) surrounding my house, regarding which, I first wrote to you on the 17th May 1843.

On receiving your reply, I made Tohi acquainted with its nature; but, subsequently, and on the point of my leaving Maketu, an old chief, named Te Koata, offered some opposition, and I refused to proceed farther in the matter till I could ascertain the justice of his claim. This I reported to you verbally.

While Mr. Symonds resided at Maketu, he was constantly urged by the natives to settle the purchase. A survey of the ground was taken, and the plan sent to Auckland.

On seeing me, Tohi and his party expressed much dissatisfaction at having been left so long without any European. Te Koata's friends, who were jealous of the importance he derived from an officer of the Government residing with him, threw out, that I would never return, and that the house had been built in vain; they, therefore, in jest, named it "Whare-tu-noa," literally the "Folly."

I immediately wrote a note to Te Koata, desiring him to meet me at Rotorua, in order that he might state his claim openly.

At

At Maketu, the question was discussed by Te Pukuatua, Te Amohau and Pongo, in presence of nearly the whole pah; and as their right to the lands they hold at Maketu is of the same nature as Tohi's, they ridiculed Te Koata's claim.

On my reaching Rotorua, a large meeting assembled; Te Koata came forward with much reluctance, and made his claim, at the same time assuring Tohi that he had no desire for any part of the payment, but that the young men had urged him to claim a horse..

This meeting was conducted very pacifically; the pedigrees on both sides were traced, from which it appeared that either had a right, by descent, to lands near Maketu.

Tohi's party contended, that their original right ceased eight generations back, when the land was conquered by Ngatiawa, under Rangiora, by whom their fathers were driven back to Rotorua, and that the land now belonged to those by whose means it had been re-conquered and divided, and that each man had a right to his own division.

Te Koata then tried to show, that the land had never been absolutely abandoned by his ancestors, whose right had, consequently, never been extinguished. At the termination of the meeting Tohi made a speech, in which he stated that he was the person whose duty it was to persist in hostility to Tauranga, but that he remained quiet in consideration of his promise that he would do so, as long as an officer of the Government was stationed at Maketu; that the land was for this officer to reside on, and that they could never be sure that they would not be deserted till the land was paid for.* "When the payment arrives, said he, "I will invite all the children of the Arawa" (meaning the whole tribe) "to come and see their riches; after which you will return them to me. Sirs, I have one thing more to say; I give my consent to go to Waikoriri in the summer, to make peace with Tupaia."

Having some apprehension that Tupaia might not be willing to meet Tohi, I told him it would be necessary for me first to ascertain his sentiments, and that if he consented, I would wish Hikairo, Mr. Chapman (the Missionary clergyman), &c., to go also, and that I would request Mr. Brown (Archdeacon, appointed by the Bishop) to accompany the Tauranga natives.

Tohi replied, that I need not distrust his motives; that if I was apprehensive of the result, he would say no more on the subject, but stay quietly at Maketu.

On reaching Matamata, I repeated to Pohopohe, Tiphioa, and the rest, what had been said at Rotorua. The former expressed his satisfaction, and assured me that Waikato (meaning the tribe of Waikato) would not be the first to interfere with Motiti, promising to go to Tauranga, to talk over the matter with Tupaia.

The payment agreed on for the land first offered for sale, was one mare, one filly a year and a half old, and one blanket. Subsequently, two pieces of land, about 20 acres, were added, as a payment for a saddle and two bridles; and another small spot, about a quarter of an acre, as a payment for things stolen from my house during Mr. Symonds's absence at Rotorua.

I have the honour to enclose Tohi's letter to his Excellency.

In conclusion, I would request that you represent to the Governor, the expediency of consenting to this purchase, as thereby all farther ill feeling and discussion on the subject will be quieted, and the influence of the Government officer stationed there augmented.

Mr. Chapman has expressed an intention of residing part of the year at Maketu, and I look forward with much anxiety to the execution of his design, as a step likely to facilitate the establishment of a friendly intercourse between Ngatiwakaue and Ngatiwa.

I left Matamata on the 27th ultimo, and arrived at Auckland on the 2d of this month.

I have, &c.
(signed) *Edward Shortland,†*
Protector of Aborigines.

George Clarke, Esq., Chief Protector, &c. &c. &c.

TRANSLATION of Native Letter referred to.

Sire, Governor,

THIS is my request, consent to give us the horse; we are two—send it that the matter may be settled; if it is with foal it would please us—make haste, however, that you may speedily have possession of your land.

Send also the payment for Ngamonie's land; viz., a foal, a saddle and bridle; let the foal be in its second year.

A bridle also for Tohi's mare, and a good blanket for Rangipapa's portion.

These riches proceed from the Queen, and the land is for the Queen, therefore we say, place them on board the "Victoria."

Send them quickly, the heart is distressed by the long delay.

From *Tohi.*
Tongarua.
Ngamoni.

Written at the Ngae, on the day of the meeting.

(True Translation.)

(signed) *E. Shortland, P. A.*

This payment will be made immediately.

† Mr. Shortland is an excellent linguist, a good medical man, and extremely kind to the natives, therefore he has much influence with them. He will return to Mata Mata immediately.

14 September, 1844.

(signed) *R. F.*

No. 14.
Governor FitzRoy
to Lord Stanley,
14 Sept. 1844.

—No. 14.—

(No. 29.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

Government House, Auckland,
14 September 1844.

My Lord,

I AVAIL myself of the first opportunity to send a copy of each Ordinance passed during the recent session of the Legislative Council of New Zealand.

By another conveyance, I will forward the necessary remarks and reasons, together with the required number of copies.

I have, &c.

(signed) *Robert FitzRoy*, Governor.

Enclosures in No. 14.

DEBENTURES' ORDINANCE.

In the Seventh year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 4.)

ANALYSIS.

Title.
Preamble.

1. The Governor authorized to make a further issue of Debentures.
2. A Tender of Debentures to be a legal Tender.

Title.

AN ORDINANCE to authorize the Governor of New Zealand to issue Debentures, and to make the same a legal Tender.—(Passed the 18th day of May 1844.)

Preamble.

WHEREAS for the purpose of defraying the authorized expenses of the Government of this colony it has been found necessary to issue certain debentures for sums of various amounts under the hand of his Excellency the Governor, payable at the Colonial Treasury at Auckland, and in the forms in the Schedule hereunto annexed: And whereas it may be found necessary to make a further issue of debentures for the purposes aforesaid: And whereas the undue depreciation of such debentures cannot be prevented otherwise than by making the same a legal tender; Be it therefore enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:

The Governor authorised to make a further issue of debentures.

1. His Excellency the Governor is hereby authorized to make a further issue or issues of debentures as aforesaid; provided that the amount of debentures which shall be outstanding at any one time shall not exceed the sum of 15,000 £.

A tender of debentures to be a legal tender.

2. From and after the passing hereof, and until the day upon which any such debentures shall, according at the tenor thereof become payable to the Colonial Treasury, a tender of any debenture in one of the forms hereto annexed, which hath been issued, or which shall hereafter be issued, by authority of his Excellency the Governor, shall be a legal tender within this colony to the amount expressed in such debenture as the value thereof at the time of making the tender, on all occasions on which any tender of money may be legally made.

(signed) *Robert FitzRoy*, Governor.

Passed the Legislative Council, this 18th day of May, A. D. 1844.

(signed) *J. Coates*, Clerk of Councils.

SCHEDULE

NEW ZEALAND.

No.

[amount in figures.]

[amount in words at length.]

ON presentation at the Colonial Treasury, at Auckland, in New Zealand, on or after the 10th day of April 1846, or on or after such earlier day as shall be fixed by the Governor, after two months' notice thereof in the Government Gazette, the bearer will be entitled to receive [amount in words] and interest thereon, at the rate of five per cent. per annum, from the date of issue, until the 10th day of April 1846, or such earlier day as may be fixed for payment.

This will be received as [amount in words] within one year from the day of issue, and as [amount in words] after that time in payment of duties of Customs, or any debt or demand payable to the Colonial Government of New Zealand.

Dated at Government-house, Auckland, this

day of

184

Governor.

By command of his Excellency,

Colonial Secretary.

No.

Entered at the Treasury, and issued this

day of

184

Colonial Treasurer.

NEW

Nos. 1 to 21, and
2 Private Ordinances.

For Ordinances
Nos. 1 to 3, Vide
Governor Fitz-
Roy's Despatch,
18 April 1844,
p. 4

NEW ZEALAND.

No. s. Shillings.
ON presentation at the Colonial Treasury, at Auckland, in New Zealand, on or after the 10th day of April 1846, or on or after such earlier day as shall be fixed by the Governor, after two months' notice thereof in the Government Gazette, the bearer will be entitled to receive shillings.

This will be received as shillings in payment of duties of Customs or any debt or demand payable to the Colonial Government of New Zealand.

Dated at Government House, Auckland, this day of 184 Governor.

By command of his Excellency, Colonial Secretary.

No. Entered at the Treasury, and issued this day of 184 Colonial Treasurer.

NEW ZEALAND.

No. [amount in figures.] amount in words at length.]
THIS of Exchange and of same tenor and date, unpaid on presentation at the Colonial Treasury at Auckland, in New Zealand, on or after the 10th day of April 1846, or on or after such earlier day as shall be fixed by the Governor after two months' notice thereof in the Government Gazette, the bearer will be entitled to receive [amount in words], and interest thereon, at the rate of five per cent. per annum, from the date of issue, until the 10th day of April 1846, or such earlier day as may be fixed for payment.

This will be received as [amount in words] within one year from the day of issue, and as [amount in words] after that time in payment of duties of Customs, or any debt or demand payable to the Colonial Government of New Zealand.

Dated at Government House, Auckland, this day of 184 Governor

By command of his Excellency, Colonial Secretary.

No. Entered at the Treasury, and issued this day of 184 Colonial Treasurer.

APPROPRIATION ORDINANCE.

In the Seventh year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 5.)

ANALYSIS.

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| Title. | 1. Certain Sums to be applied to the Service of the year 1844. |
| Preamble. | 2. Treasurer to pay Monies on order of Governor. |

AN ORDINANCE to appropriate the Revenue for the Year 1844.—(Passed the 6th day of June 1844.) Title.

WHEREAS it is expedient that such part of the general revenue of New Zealand as is subject to the disposal of the Colonial Government, should be from time to time appropriated by authority of the Legislative Council; Be it therefore enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows: Preamble

1. Out of such part of the general revenue as aforesaid, there may be issued and applied, in manner hereinafter mentioned, any sum or sums of money not exceeding the several sums hereinafter specified; (that is to say) Certain sums to be applied to the service of the year 1844.

For defraying the charge of the Government of this colony for the year 1844, the sum of 35,991 £. 1 s., as hereinafter particularly specified; (that is to say)

	£.	s.	d.
For his Excellency the Governor and Establishment	1,450	13	-
For Colonial Secretary's Department and Printing Establishment	1,915	-	-
For Attorney-general	430	-	-
For Colonial Treasurer's Establishment	1,135	-	-
For Council Office	425	-	-
For Superintendent of Southern Division, and Establishment	750	-	-
For Crown Solicitor, Southern Division	150	-	-
For Board of Audit	325	-	-
For Customs Establishment	4,000	-	-
For Judicial Establishment, Supreme Court, 2,620 £.	3,970	-	-
For " " Local Courts, 1,350 £.			
For Coroners	80	-	-
For Sheriffs and Gaols	1,615	-	-
For Ecclesiastical Establishment	200	-	-
For Medical Department	300	-	-
For Harbour Establishments, inclusive of Signal Stations and Powder Magazines	375	-	-

	£.	s.	d.
For Colonial Vessel - - - - -	1,508	-	-
For Public Works, fixed Establishment, Tools and Contingen- cies, Roads and Buildings - - - - -	2,710	-	-
For Postage of Letters on Public Service - - - - -	250	-	-
For Commission for Titles and Claims to Land - - - - -	2,200	-	-
For Registry of Deeds - - - - -	300	-	-
For Magistrates and Police - - - - -	5,102	8	-
For Survey Establishment - - - - -	2,400	-	-
For Aborigines - - - - -	2,400	-	-
For Land Purchases - - - - -	800	-	-
For general Contingencies, including Stationery and Departmental Contingencies not otherwise provided for - - - - -	1,200	-	-
Amounting in the whole to the aforesaid sum of - - £.	35,991	1	-

Treasurer to pay monies
on order of Governor.

2. And be it enacted, That the colonial treasurer shall issue and pay, from time to time, any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively specified, to such persons and in such portions as the Governor for the time being shall, by any order or orders in writing signed by him from time to time direct; and such treasurer shall in his accounts be allowed credit for all sums paid by him in pursuance of such orders; and the receipts of the persons to whom such sums shall have been so paid, shall be to him a full discharge for the sum or sums for which such receipts shall have been given; and the amounts thereof shall be passed to his credit in account accordingly.

(signed) *Robert FitzRoy*, Governor.

Passed the Legislative Council, this 6th day of June 1844.

(signed) *J. Coates*, Clerk of Councils.

CUSTOMS AMENDMENT ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen Victoria.—Session 3, (No. 6.)

ANALYSIS.

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Duties imposed by Customs' Ordinance, Session 1, No. 3, repealed. 2. To be levied as under recited Ordinance. 3. Supplies imported for use of Land or Sea Forces, exempted from Duty. 4. Clause 58 of Customs' Ordinance recited and repealed. | <ol style="list-style-type: none"> 5. Ships, &c., engaged in Smuggling, to be forfeited. 6. Clause 59 of Customs' Ordinance recited and repealed. 7. Clause 78 of Customs' Ordinance recited and repealed. 8. Commencement of Ordinance.
Table of Duties of Customs. |
|--|--|

Title.

AN ORDINANCE to amend an Ordinance enacted by the Governor and Council of New Zealand, Session 1, No. 3, to repeal certain Acts of the Governor and Council of New South Wales, to make provision for the Collection of certain Duties on Goods imported into, and for the general Regulation of the Revenue of Customs in, the Colony of New Zealand and its Dependencies.—(Passed the 20th day of June 1844.)

Preamble.

WHEREAS an Ordinance was enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, Session 1, No. 3, intituled, "An Ordinance to repeal, within the said Colony of New Zealand, an Act of the Governor and Council of New South Wales, passed in the third year of Her present Majesty's reign, intituled, 'An Act to repeal an Act relating to the Revenue of Customs in New South Wales, and to provide for the general Regulation thereof;' and also a certain other Act of the said Governor and Council of New South Wales, passed in the fourth year of the reign of Her said present Majesty Queen Victoria, intituled, 'An Act for increasing the Duties on Spirits, Wines, and other Goods and Merchandize, imported into the Colony of New South Wales and its Dependencies,' and which said Acts of the Governor and Council of New South Wales were adopted, and are now in force within the said Colony of New Zealand and its Dependencies; and to make provision for the collection of certain Duties on Goods imported into, and for the general Regulation of the Revenue of Customs in, the Colony of New Zealand and its Dependencies."

Duties imposed by Customs' Ordinance, Session 1, No. 3, repealed.

1. Whereas by the said recited Ordinance certain duties of Customs are made payable upon goods, wares and merchandize imported into the colony of New Zealand, as the same are respectively set forth in the table of duties of Customs to the said Ordinance annexed: but British goods and goods the produce of, and imported direct from, New South Wales or Van Diemen's Land, except as therein excepted, are exempted from the duties by the said Ordinance imposed: Be it enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, That so much of the said Ordinance as imposes the duties of Customs set forth in the Table of Duties of Customs to the said Ordinance annexed, and also so much of the said Ordinance as exempts British goods and goods the produce of, and imported direct from, New South Wales or Van Diemen's Land, shall be repealed; and be it enacted, That in lieu of the said duties there shall be raised, levied,

levied, collected and paid unto Her Majesty, Her heirs and successors, for the public uses of the colony, upon goods, wares and merchandize imported into the colony of New Zealand, and landed at any port or place therein, from wheresoever the same may be imported, or of whatsoever country the same may be the produce or manufacture, the several duties of Customs, as the same are respectively inserted, described, and set forth in figures in the table to this Ordinance annexed, denominated "A Table of Duties of Customs."

New duties imposed.

2. The duties of Customs hereby imposed, shall be raised, levied, collected and paid, in like manner as if the said duties had been imposed by the said recited Ordinance, Session 1, No. 3.

To be levied as under recited Ordinance.

3. And be it further enacted, That, notwithstanding anything herein or in the said recited Ordinance contained, all goods, wares and merchandize imported into the colony of New Zealand as supplies for the use of Her Majesty's land or sea forces, and at the public charge, shall be admitted to entry on importation without any duty being charged thereon.

Supplies imported for use of Land or Sea Forces exempted from duty.

4. And whereas by the said recited Ordinance it is enacted, that in case any such vessel or boat liable to seizure or examination under any Ordinance or law relating to the Customs, or for the prevention of smuggling, shall not bring to on being required so to do, on being chased by any ship, vessel or boat, in Her Majesty's navy, having the proper pendant and ensign of Her Majesty's ships hoisted, or by any ship, vessel or boat duly employed for the prevention of smuggling, having a proper pendant and ensign hoisted, it shall be lawful for the captain, master or other person having the charge or command of such ship, vessel or boat in Her Majesty's navy, or employed as aforesaid, first causing a gun to be fired as a signal, to fire at or into any such ship, vessel or boat, and such captain, master or other person acting in his aid or assistance, or by his direction, shall be and he is hereby indemnified and discharged from any indictment, penalty, action or proceeding for so doing: Be it enacted, That so much of the said Ordinance as is last hereinbefore recited, be repealed, and in lieu thereof be it enacted as follows:—

Clause 58 of Customs' Ordinance recited, and repealed.

5. It shall be lawful for the officers of Customs to go on board any ship in any port in the colony of New Zealand, and to examine and search all parts of such ship for prohibited and uncustomed goods, and also to go on board any ship hovering within one league of any part of the coasts thereof, and in either case freely to stay on board such ship so long as she shall remain in such port or within such distance, and if any such ship be bound elsewhere, and shall continue so hovering for the space of 24 hours after the master shall have been required to depart, it shall be lawful for the officer of the Customs to bring such ship into port, and to search and examine her cargo, and to examine the master upon oath touching the cargo and voyage; and if there be any goods on board prohibited to be imported into the said colony, such ship and her cargo shall be forfeited; and if the master shall not truly answer the questions which shall be demanded of him on such examination, he shall forfeit the sum of 100*l.*, to be recovered in a summary way.

Ships, &c., engaged in smuggling to be forfeited.

6. And whereas by the said recited Ordinance it is enacted, "That if any person or persons shall from and after the passing of this Ordinance wear, carry or hoist in or on board any ship, vessel or boat whatever belonging to any of Her Majesty's subjects, whether the same be merchant or otherwise, without particular warrant for so doing from Her Majesty or Her High Admiral of Great Britain, or the Commissioners for executing the office of High Admiral of Great Britain, Her Majesty's 'jack,' commonly called the 'union jack,' or any pendant, ensign or colours usually worn by Her Majesty's ships, or any flag, 'jack,' pendant, ensign or colours resembling those of Her Majesty, or those used on board Her Majesty's ships, or any other ensign or colours than the ensign or colours by any proclamation of Her Majesty now in force, or hereafter to be issued, prescribed to be worn; then and in every such case the master or other person having the charge or command thereof, or the owner or owners being on board the same, and every other person so offending, shall forfeit and pay the sum of 50*l.*; and it shall be lawful for any officer or officers of Her Majesty's navy on full pay, or for any officer or officers of Customs, to enter on board any such ship, vessel or boat, and to seize any such flag, 'jack,' pendant, ensign or colours, and the same shall thereupon be forfeited:" And whereas the objects of the foregoing enactment are already sufficiently provided for by an Act of Parliament made and passed in the Session of Parliament holden in the fourth and fifth years of the reign of his late Majesty King William the Fourth (c. 13, s. 11); Be it therefore enacted, That so much of the said Ordinance as is last hereinbefore recited be repealed.

Clause 59 of Customs' Ordinance recited, and repealed.

7. And whereas by the said recited Ordinance it is also enacted, "That if any person shall maliciously shoot at any ship, vessel or boat belonging to Her Majesty's navy, or in the service of the revenue, within 100 leagues of any part of the coast of the said colony, or shall maliciously shoot at, maim or dangerously wound any officer of the navy on full pay, or any officer of Customs, or any person acting in his aid or assistance, or duly employed for the prevention of smuggling, in the due execution of his office, and every person aiding, abetting or assisting therein, shall, being lawfully convicted, be adjudged guilty of a felony, and suffer death as a felon;" Be it enacted, That so much of the said Ordinance as is last hereinbefore recited be repealed.

Clause 78 of Customs' Ordinance recited, and repealed.

8. This Ordinance shall come into operation at each place as soon as the same shall have been received by the collector or sub-collector of Customs, or person lawfully acting for either, and at all other places throughout the colony, on the 1st day of August next; and such collector, sub-collector or person lawfully acting for either, shall give immediate public notice of his having received the said Ordinance.

Commencement of Ordinance.

(signed) *Robert Fitz Roy*, Governor.

Passed the Legislative Council this 20th day of June 1844.

(signed) *J. Coates*, Clerk of Councils.

TABLE of DUTIES of CUSTOMS.

	£.	s.	d.
Spirits or strong waters, for every gallon of such spirits or strong waters of any strength not exceeding the strength of proof by Sykes's hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any greater or less quantity than a gallon	-	5	-
Wines, for every 100 <i>l.</i> value	20	-	-
Ale, beer, porter and other malt liquors, for every 100 <i>l.</i> value	15	-	-
Tobacco, unmanufactured, per lb.	-	-	9
Ditto, manufactured (except cigars and snuff), per lb.	-	1	-
Cigars and snuff, per lb.	-	2	-
On all guns or weapons of any description, or gunpowder or any munition of war, for every 100 <i>l.</i> value	30	-	-
On all other goods, wares, merchandize and property, except personal baggage, living animals and specie, for every 100 <i>l.</i> value	5	-	-

IMPRISONMENT for DEBT ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 7.)

ANALYSIS.

- | | |
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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> Debtors who have been two months in gaol may petition a Judge of Supreme Court for discharge. Nature of petition. Sittings of the Court. The hearing and discharge. Prisoner discharged not again liable to be taken in execution, but estate to remain liable. Prisoner at the hearing to make statement in writing of all debts due to him. And to execute power of attorney in favour of one of the detaining creditors for their recovery. | <ol style="list-style-type: none"> Monies so recovered to be paid into court for the benefit of all detaining creditors. The opposition to prisoners' discharge. For contracting debts fraudulently, &c., debtor may be imprisoned two years. For fraudulent disposition, &c. of property, debtor may be imprisoned three years. Costs of successful opposition to be allowed to creditor. If debtor be discharged at the hearing, creditor to pay costs of his maintenance in prison. Ordinance not to extend to Crown debts, &c. |
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Title.

AN ORDINANCE for the Relief of Persons Imprisoned for Debt—(Passed the 25th day of June 1844.

Preamble.

WHEREAS it is desirable that provision be made for the relief of persons imprisoned for debt, who have become indebted without any fraud or gross or culpable negligence by releasing the persons of such debtors from imprisonment, so as nevertheless their estates may still remain liable for satisfaction of their debts; Be it enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:

Debtors who have been two months in gaol may petition a Judge of Supreme Court for discharge.

1. It shall be lawful for any person who shall have been taken in execution under process of the Supreme Court, for any debt or sum of money, and who shall have remained in prison for two calendar months or upwards, to apply by petition to a judge of the Supreme Court for discharge from custody according to the provisions of this Ordinance.

Nature of the petition.

2. The petition shall state the time of the petitioner's commitment to prison, and the names of the persons at whose suit he shall be detained in custody, and the debts or sum of money for which he shall be so detained; and that he hath caused notice in writing of his intention to present such petition to be personally served on such detaining creditors as aforesaid, or on their agents: the petition shall also be subscribed by the petitioner, and be forthwith filed with the registrar or deputy registrar (as the case may be) of the Supreme Court for the district within which such prisoner shall be confined.

To be signed by prisoner, and filed with Registrar of Supreme Court.

Sittings of the court.

3. The court shall sit for the hearing of applications for relief, and for the despatch of all business arising under the provisions of this Ordinance, at the places and times following: (that is to say) at Auckland and Wellington in the months of March, June, September and December in every year, or at such other periods and on such days as the Judge or Judges of the Supreme Court, exercising jurisdiction in the district, may appoint; and at any place where a circuit court shall be holden on such day during the sitting of such court as the judge of assize shall for that purpose appoint.

The hearing and discharge.

4. Every prisoner who shall have filed such petition as aforesaid, 28 days at least before any day so appointed for the despatch of business arising under this Ordinance, shall be brought up on such day accordingly; and after the hearing of the prisoner's application for relief, it shall be lawful for the court, on being satisfied of the truth of the matters contained in such petition, to adjudge that such prisoner shall be entitled to the benefit of this Ordinance immediately, or at such time as the court shall direct in pursuance of the provisions hereinafter contained, and to cause such prisoner to be discharged accordingly.

Prisoner discharged not again liable to be taken in execution, but estate to remain liable.

5. Where any prisoner shall be discharged from custody under the provisions of this Ordinance, he shall not be liable at any time thereafter to be taken in execution for any debt or sum of money with respect to which he shall have so become entitled to the benefit of this Ordinance: Provided that as against the estate and effects of such prisoner, whatsoever and wheresoever, the judgment under which he shall have been so imprisoned as aforesaid shall be of as full force and effect as if the body of such prisoner had never been taken in execution by virtue thereof.

6. At

6. At such hearing as aforesaid the prisoner shall deliver to the court a full and true statement in writing, subscribed by such prisoner, of all debts then due or growing due to such prisoner, or to any person in trust for him, and the names and places of abode of the several persons from whom such debts shall be due or growing due, and of the witnesses who can prove such debts, so far as such prisoner can set forth the same.

Prisoner at the hearing to make statement in writing of all debts due to him.

7. The prisoner shall likewise, on the application of any detaining creditor, execute a power of attorney in favour of such creditor, or such one of the detaining creditors as the court may name, enabling such creditor to sue in his own name for the debts set forth in such statement as aforesaid, and for all other debts which shall appear at such hearing to be due or growing due to such prisoner. And no prisoner shall be entitled in any case to the benefit of this Ordinance until he shall have executed such power of attorney as aforesaid, whenever application shall have been duly made for the same.

And to execute power of attorney in favour of one of the detaining creditors for their recovery.

8. All monies which shall be received by virtue of such power of attorney as last mentioned, shall be paid into Court immediately after the receipt thereof, and after deducting the expense of such power of attorney as aforesaid, shall be divided among the creditors at whose suit the prisoner shall have been detained at the time of such hearing as aforesaid, in proportion to the judgment debts in respect whereof he shall have been so detained; and in case such monies shall not have been so paid into court by the creditors who shall have received the same, it shall be lawful for the judge who shall have presided at such hearing as aforesaid, upon the application of any other of the detaining creditors last mentioned, to make order for the due payment of the same.

Monies so received to be paid into court for benefit of all detaining creditors.

9. In case any detaining creditor shall intend to oppose such prisoner's discharge, it shall be lawful for such creditor to put questions to the prisoner, and to examine such witnesses as to the court shall seem meet touching such matters as the court shall think proper to inquire into, in order to the due execution of this Ordinance; and in case the court shall entertain any doubt respecting any matter alleged against such prisoner at the hearing to prevent his discharge, or in case such prisoner shall not answer upon oath to the satisfaction of the court, it shall be lawful for the court to adjourn the hearing and examination of such prisoner to some future sitting of the court, and so on from time to time as occasion may require.

The opposition to prisoner's discharge.

10. In case it shall appear to the said court that such prisoner shall have contracted any of his debts for which he shall be so detained in custody fraudulently, or by means of a breach of trust, or by means of false pretences, or without having had any reasonable or probable expectation at the time when contracted of paying the same, or shall have fraudulently or by means of false pretences obtained the forbearance of any such debts by any of his detaining creditors, or shall have put any of such creditors to unnecessary expense by any vexatious or frivolous defence or delay to any suit for recovering any such debts, or shall be imprisoned for damages recovered in any action for criminal conversation with the wife, or for seducing the daughter or servant of the plaintiff in such action, or for breach of promise of marriage made to the plaintiff in such action, or for damages recovered in any action for a malicious prosecution, or for a libel, or for slander, or in any other action for a malicious injury done to the plaintiff therein, or in any action of tort or trespass to the person or property of the plaintiff therein; then it shall be lawful for such court to adjudge that such prisoner shall be discharged and entitled to the benefit of this Ordinance, so soon as he shall have been in custody at the suit of the person who shall be creditor for such debts, sums of money or damages as aforesaid, for a period not exceeding two years in the whole, as the said court shall direct.

For contracting debts fraudulently, &c., debtor may be imprisoned two years.

11. In case it shall appear to the court at any such hearing as aforesaid that the prisoner has fraudulently concealed or misrepresented the state of his affairs, or that, with intent to diminish his means of paying and satisfying any of his detaining creditors, he has fraudulently discharged or concealed any debt due or growing due to him, or to any person in trust for him, or made away with, or assigned, transferred, charged, delivered or made over any of his estate or effects before or after the commencement of his imprisonment, then it shall be lawful for the court to adjudge that such prisoner shall be discharged and entitled as aforesaid, so soon as he shall have been in custody at the suit of some one of his detaining creditors, for such period, not exceeding three years in the whole, as the court shall direct.

For fraudulent disposition of property, &c., debtor may be imprisoned for three years.

12. Whenever any detaining creditor, opposing the discharge of any such prisoner, shall prove to the satisfaction of the court that such prisoner has done any act for which, upon such adjudication as aforesaid, he may be detained in custody for any period not exceeding two or three years as aforesaid, it shall be lawful for the court to allow to such opposing creditor such costs of opposition as to the court shall seem reasonable. The costs so to be allowed shall be added to and deemed to form a part of the judgment debt, in respect of which such prisoner shall have been taken or charged in execution at the suit of such opposing creditor.

Costs of successful opposition to be allowed to creditor.

13. Where any prisoner shall be found at any such hearing or adjourned hearing to be entitled to be immediately discharged under the provisions of this Ordinance, the court shall on the application of the keeper of the prison in which such prisoner shall have been confined, and upon proof that such prisoner has been maintained during his imprisonment or any part thereof, at the public expense, order the creditor or creditors at whose suit he shall have been so imprisoned, forthwith to pay to such keeper such sum or sums of money, after a rate not exceeding in the whole the rate of 4s. by the week, for the period during which the prisoner shall have been so maintained, in such proportions as the court shall direct.

If prisoner be discharged at the hearing, creditor to pay costs of his maintenance in prison.

Every order so made shall have the effect of a judgment of the court in favour of such keeper as aforesaid.

Ordinance not to extend to Crown debts, &c.

14. This Ordinance shall not extend to discharge any prisoner with respect to any debt due to Her Majesty or Her successors, or to any debt or penalty with which he shall stand charged at the suit of the Crown, or of any person for any offence committed against any Act of Parliament or Ordinance of this colony relative to any branch of the public revenue, or at the suit of any sheriff or other public officer, upon any bail bond entered into for the appearance of any person prosecuted for any such offence, unless his Excellency the Governor shall certify under his hand his consent that such person may apply to take the benefit of this Ordinance.

Robert Fitz Roy, Governor.

Passed the Legislative Council this 25th day of June, A.D. 1844.

J. Coates, Clerk of Councils.

COURT OF REQUESTS ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 8.)

ANALYSIS.

Title.

Preamble.

1. County Court Ordinance repealed.

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2. Courts of Requests to be created ;

8. And Districts defined.

II.—*Constitution of Courts.*

4. To be holden before a Commissioner.

5. Commissioners how to be appointed.

6. To take an oath.

7. Officers of Court.

8. Seal.

III.—*Jurisdiction of Courts.*

9. Jurisdiction of Courts.

10. Cause of action not to be divided.

11. Judgment to be final.

12. No privilege allowed.

IV.—*Practice of Court.*

13. Court to sit twice a month.

14. Office to be open daily.

15. Where plaintiff may state his demand.

16. Clerk to issue summons.

17. The hearing.

18. The parties to the suit may be examined on oath.

19. All examinations to be conducted by Commissioners.

20. Set-off may be pleaded.

21. Causes to be determined in a summary way.

22. Hearing may be postponed.

23. Commissioner in difficult cases may take time for judgment.

24. If defendant fail to appear, cause to be heard in his absence.

25. Warrant of execution to be issued by clerk against goods.

26. If goods insufficient, then against body.

27. Persons taken in execution to be imprisoned in common gaol for a limited period.

28. Scale of terms of imprisonment.

29. Debtor to be maintained in gaol by creditor.

30. In executing process, bailiff to have same powers as a sheriff.

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32. Process in case of joint liability.

33. Summonses to witnesses.

34. Penalty for non-attendance.

35. Expenses of witnesses.

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45. Period of detention not to exceed three months.

46. Commencement of Ordinance.

SCHEDULE (A.)—*Forms.*

1. Oath of Commissioner.

2. Summons to defendant.

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4. Warrant of execution against goods.

5. Warrant of execution against person.

SCHEDULE (B.)—*Scale of Fees, &c.*

1. Clerks' fees.

2. Bailiffs' fees.

3. Allowance to witnesses.

Title.

AN ORDINANCE to establish Courts of Requests for the more easy and speedy Recovery of Small Debts.—(Passed the 27th day of June 1844.)

Preamble.

WHEREAS by an Ordinance made by the Governor of New Zealand, with the advice and consent of the Legislative Council, (Session 2, No. 2,) and intituled, "An Ordinance for establishing County Courts of Civil and Criminal Jurisdiction, and for repealing an Ordinance for instituting Courts of Requests, Session I., No. 6, and for repealing part of an Ordinance for establishing Courts of Quarter Sessions, Session I., No. 4," it was enacted, that there should be within the colony of New Zealand county courts of record, possessing civil and criminal jurisdiction, in manner in the said Ordinance provided : And whereas, by the appointment of an additional judge of the Supreme Court, it hath become practicable that all crimes and offences committed within the colony may be tried before a judge of the said court : And whereas it is desirable that provision should be made for the recovery of small debts in a more easy and speedy manner than by the said Ordinance was provided ; Be it therefore enacted, by his Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

County Court Ordinance repealed.

1. The said recited Ordinance is hereby repealed, except so far as any prior Ordinance, or part of any Ordinance, was repealed thereby.

I.—*Creation*

I.—*Creation of Courts.*

2. There shall be within the colony of New Zealand courts for the recovery of small debts, which shall be called Courts of Requests. Courts to be created;

3. His Excellency the Governor shall, with the advice of the Executive Council, by proclamation from time to time, appoint fit places for the holding of such courts, and define the district within which the jurisdiction of each of such courts shall be exercised, and the limits of such districts from time to time shall alter as occasion may require. And districts defined.

II.—*Constitution of Courts.*

4. Every such court shall be holden by and before a fit person, being a barrister or solicitor of the Supreme Court, who shall be and be called the Commissioner of the Court of Requests. To be holden before a commissioner.

5. Every such Commissioner shall be appointed by Her Majesty, Her heirs and successors, and shall hold his office during Her Majesty's pleasure: Provided that it shall be lawful for his Excellency the Governor to appoint any such Commissioner provisionally, until Her Majesty's pleasure shall be known; and in case any Commissioner shall, by reason of sickness or other cause, be unable to discharge the duties of his office, it shall be lawful for his Excellency the Governor to appoint a fit person, being such barrister or solicitor as aforesaid, to act in the place of such Commissioner, so long as such inability as aforesaid shall continue. Commissioner how to be appointed.

6. Every Commissioner shall, before entering on his office, take an oath, before a Judge of the Supreme Court, or some person specially appointed by such Judge, according to the form in Schedule (A.) hereunto annexed, faithfully to execute the duties of his office. To take an oath.

7. For every such court there shall be a Clerk and a Bailiff; both of whom shall be appointed by his Excellency the Governor, and shall be removeable by him on reasonable cause. Officers of Court.

8. Every such court shall have and use a seal wherewith all summonses, warrants, and other process issuing out of the court shall be sealed; and of the impression whereof judicial notice shall be taken in all courts, without any evidence of such seal having been impressed, or any other evidence relating thereto. Seal.

III.—*Jurisdiction of Court.*

9. Every such court shall have exclusive cognizance of all suits where the debt or sum alleged to be due and owing shall not exceed 20 *l.* sterling, and where the defendant (or any one defendant, where there shall be more than one) shall reside within the jurisdiction of the court: Provided that such court shall not have cognizance of any suit, where the debt sought to be recovered shall be the balance of an account or demand originally exceeding 20 *l.*, nor of any suit wherein the title to any real property shall be in question, or where rights in future would be bound by the judgment of the court: Provided always, that any suit which would otherwise fall within the exclusive cognizance of any Court of Requests, may by the agreement of all the parties thereto be brought and determined in the Supreme Court: Provided also, that any suit which would otherwise fall within the cognizance of the Supreme Court may, by the agreement of all the parties thereto, be brought and determined in any Court of Requests, which might have had cognizance thereof if the debt or amount alleged to be due and owing had not exceeded 20 *l.*: Provided that should any suit be dismissed for want of jurisdiction, the Commissioner shall have power to award costs to defendant, if he shall think proper to do so. Jurisdiction of Court.

10. It shall not be lawful for any plaintiff to divide any cause of action into two or more suits for the purpose of bringing the same within the jurisdiction of the court; but any plaintiff having cause of action above the value of 20 *l.* may abandon the excess; and the judgment of the court, if given in favour of such plaintiff, shall operate as a full discharge of the defendant from all demands in respect of such cause of action. Cause of action not to be divided.

11. The decision of the Commissioner shall be final on all questions, both of fact and of law; nor shall any case be removed on behalf of either party into any superior court, by certiorari or otherwise, in any stage of the proceedings. Nevertheless, it shall be lawful for the Commissioner, upon application by or on behalf of any of the parties to the suit made immediately on the delivery of the judgment, to reserve for the opinion of the Supreme Court any point of law upon which such judgment may directly depend; in which case execution shall not issue until the opinion of the Supreme Court shall have been pronounced. Judgment to be final.

12. No privilege shall be allowed to any person to exempt him from the jurisdiction of any such court by reason of his being a solicitor of the Supreme Court. No privilege allowed.

IV.—*Practice of the Court.*

13. In every district a court shall sit on the first and third Wednesday in each month. Court to sit twice a month.

14. The office of the clerk of the court shall be open every day (not being Sunday, Good Friday, or Christmas-day) from ten o'clock in the morning to four o'clock in the afternoon of the same day. Office to be open daily.

15. Any person having any demand whereof the court shall have cognizance, may apply to the clerk of the court, and state to him the nature and amount of such demand; the plaintiff shall also at the same time deliver to the clerk explicit particulars in writing of the Where plaintiff may state his demand.

the plaintiff's demand, which shall set forth the same in a simple and compendious manner, specifying items, dates and amounts.

Clerk to issue a summons.

16. The clerk shall forthwith issue a summons in the form No. 2, in the Schedule hereto annexed, requiring the appearance of the defendant on such court-day as shall fall next after the expiration of ten clear days after the day of the service thereof, unless satisfaction shall have been previously made to the plaintiff. The summons and the particulars of the plaintiff's demand shall be forthwith served personally on the defendant, and left with him by the bailiff or his officer.

The hearing.

17. At the time and place mentioned in the summons, both parties being present, the Commissioner shall proceed to ascertain the point in issue between them, and shall enter a written memorandum thereof in a book to be kept by him for that purpose; he shall then hear the evidence on both sides.

The parties to the suit may be examined on oath.

18. On the hearing or trial of any suit, the parties thereto shall be competent to give evidence; such parties and all persons whosever competent in law to give evidence may be examined upon oath touching the matters in question. Before any party or witness shall be so examined, the Commissioner shall administer or cause to be administered an oath or solemn affirmation (as the case may require) to such party or witness accordingly.

All examinations to be conducted by Commissioner.

19. Every examination and cross-examination of any party or witness shall be conducted by the Commissioner alone; nor shall any person be allowed to appear and act as an advocate for any party to any suit.

Set-off pleaded.

20. Every defendant shall be allowed to set off any debts claimed to be due to him from the plaintiff, or to claim and have the benefit of any statute of limitations; provided that no such defence shall be admitted unless notice thereof in writing shall have been left at the office of the clerk of the court five clear days at least before the day fixed by the summons for the appearance before the Commissioner.

Cases to be determined in a summary way.

21. The Commissioner shall then proceed in a summary way to try the cause and give judgment therein; provided that, in the hearing and determining of all causes, the Commissioner shall proceed according to the laws and ordinances in force for the time being within the colony, except so far as the same may be altered or varied by this Ordinance.

Hearing may be postponed.

22. In case it shall appear to the Commissioner that, by reason of the want of material evidence or otherwise, he cannot then safely and justly give judgment in the cause, it shall be lawful for such Commissioner to adjourn or postpone the hearing thereof until the next court-day; on which day the cause shall be finally heard and determined.

Commissioner in difficult cases may take time for judgment.

23. Provided always, that if after the hearing of any cause the Commissioner shall be unable, by reason of the difficulty or perplexity thereof, at once to give judgment therein, it shall be lawful for such Commissioner to defer the delivery of such judgment for any time not exceeding two clear days after the hearing of the cause.

If defendant fail to appear, cause to be heard in his absence.

24. If on the day named in the summons the defendant shall not appear either in person or by agent, the Commissioner shall (after proof made upon oath of the due service of the summons) proceed to hear the cause on the part of the plaintiff only, and to give judgment thereon, whereupon execution may issue; provided that in every such case it shall be lawful for the defendant to appear either in person or by agent on such next court-day, and to show that, having a good defence on the merits, he was prevented by inevitable accident from bringing forward the same on the day named in the summons; whereupon the Commissioner, if he shall deem the cause shown by the defendant to be sufficient, shall set aside the judgment and execution already given, and grant a re-hearing of the cause upon such terms as to the Commissioner shall seem meet; provided, that the bailiff shall not proceed to a sale of any of the goods and chattels seized under any such execution as aforesaid, until after the defendant shall have so failed to appear at such next court-day as aforesaid.

Warrant of execution be issued by clerk against goods.

25. The clerk of the court shall, at the request of any party in whose favour judgment shall have been given, issue a warrant of execution (in the form No. 4, in the Schedule hereunto annexed) to the bailiff of the court; who by virtue thereof shall be empowered to levy by distress and sale of the goods and chattels of the party against whom such judgment shall have been given (such goods and chattels being within the jurisdiction of the court), such sum of money as shall be mentioned in the said warrant.

If goods insufficient, then against the body.

26. If it shall appear upon the return of the warrant that such goods and chattels cannot be found, or do not suffice for payment of the sum to be levied, the clerk of the court shall, upon such request as aforesaid, issue a warrant of execution (in the form No. 5, in the Schedule hereto annexed) to such bailiff as aforesaid, who by virtue thereof shall be empowered to take in execution the body of the person named therein.

Persons taken in execution to be imprisoned in common gaol for a limited period.

27. Every person who shall be taken in execution under any such warrant shall be committed to the common gaol of the district within which the court shall be holden, and shall remain in custody for such time from the day of his commitment as shall be mentioned in such warrant, or until he shall perform and satisfy the judgment or order of the court, or be discharged by due course of law.

Scale of terms of imprisonment.

28. The term of imprisonment shall be as follows; (that is to say) where the sum for which the party shall have been taken in execution shall not exceed 5*l.*, one calendar month; where such sum shall exceed 5*l.*, but shall not exceed 10*l.*, two calendar months; where such sum shall exceed 10*l.*, three calendar months, and no more.

Debtor to be maintained in gaol by creditor.

29. Every creditor at whose suit any person shall be so imprisoned as aforesaid, shall pay to the gaoler or keeper of the prison wherein such person shall be confined, the weekly sum of 4*s.* towards the maintenance of such prisoner; and on proof being made to the Commissioner on oath of the said gaoler or keeper, on any court-day, that two such weekly payments

ments are due and in arrear, the Commissioner shall order such prisoner to be forthwith discharged from custody at the suit of the creditor so failing to pay the same; where any prisoner shall be discharged from custody under the provisions of this Ordinance, he shall not be liable at any time thereafter to be taken in execution for any debt or sum of money with respect to which he shall have been so imprisoned as aforesaid: provided that, as against the estate and effects of such prisoner, whatsoever and wheresoever, the judgment under which he shall have been so imprisoned as aforesaid, shall be of as full force and effect as if the body of such prisoner had never been taken in execution by virtue thereof.

30. In executing any process of the court, the bailiffs shall have such powers and be subject to such liabilities as any sheriff hath or is subject to in like cases, in executing the process of the Supreme Court.

In executing process, the bailiff to have same powers as a sheriff.

31. It shall be lawful for any person under the age of 21 years to prosecute a suit for wages in any such court, in the same manner as if he were of full age.

Minors may sue for wages.

32. Where two or more persons are jointly answerable, it shall be sufficient if one of such persons be served with the process of the court, and judgment may be obtained and execution issued against such person alone; reserving always any right which he may have to demand contribution from any other person jointly liable.

Process in case of joint liability.

33. Either of the parties to any suit may obtain at the office of the clerk of the court summonses to witnesses, with or without a clause requiring the production of books, papers and writings, in their possession or control; in any such summons any number of names may be inserted.

Summonses to witnesses.

34. Every person resident within the district of any such court, who after lawful service of such summons and payment or tender of his expenses according to the scale in the Schedule hereto annexed, shall refuse or neglect, without sufficient cause, to appear or produce any books, papers or writings as by such summons required; or, appearing, shall refuse to be sworn or make solemn affirmation (as the case may require), and give evidence, shall forfeit and pay such fine, not exceeding 5*l.*, as the Commissioner shall think fit to impose; the bailiff shall thereupon proceed to recover such fine, in the same manner and subject to the same provisions and limitations, by distress and sale, and (if need be) by imprisonment, as if the amount had become payable by virtue of a judgment of any such court.

Penalty for non-attendance.

35. Every person who shall be summoned and shall appear as a witness in any action in any Court of Requests, shall be entitled to an allowance or compensation for expenses and loss of time according to the scale contained in the Schedule (B.) hereunto annexed; provided that such allowance or compensation to any witness shall not in any case be deemed to be costs in the cause, unless the Commissioner shall have certified in writing, immediately after judgment shall have been pronounced, that the evidence of such witness was necessary to prove the case of the party by whom such witness was called.

Expenses of witnesses.

36. If in any case a solicitor shall be employed as agent or proxy on behalf either of plaintiff or defendant, the expense of employing such solicitor shall not in any case be considered as costs in the cause.

The expense of employing a solicitor not to be costs in the cause.

37. No person shall act as agent for any party, plaintiff or defendant, until he shall have delivered to the clerk of the Court a written warrant or authority so to act, signed by the party on whose behalf he shall appear.

Agent to have written authority.

38. The clerk and the bailiff of the court shall be entitled respectively to recover the fees specified in Schedule (B.) hereto annexed, and no more. A table of such fees shall be hung up in some conspicuous place in the office of every such clerk.

Fees to clerk and bailiff.

39. All fees due to any officer shall be paid in advance, and shall be paid in the first instance to the clerk of the court; but such part of such fees as shall be payable to the bailiff of the court shall be paid over to him by the clerk after the performance of the service in respect whereof they shall have become due, and not before.

To be paid in advance.

40. All fees so received by any such clerk (except such as shall have been received on account of the bailiff,) and all fines received by him, shall be accounted for and paid over monthly to the colonial treasurer, or treasurer of the county or district (as the case may be,) to the use of Her Majesty, Her heirs and successors, for the public uses of the colony and the support of the Government thereof.

Clerk's fees to be paid into the treasury.

41. The clerk of the court shall cause notes of all process issuing out of the court, and of all proceedings therein, to be fairly entered from time to time in a book which shall be kept at his office, and shall sign his name at the bottom of every page of such book; and at the commencement of the business on every court-day he shall lay the same before the Commissioner in open court.

Clerk to make notes of all proceedings.

42. Any entry so signed, or a copy thereof purporting to be signed and certified as a true copy by the clerk of the court for the time being, and sealed with the seal of the court, shall be admitted in all courts as evidence of the proceedings mentioned in such entry or copy thereof.

Entries in note-book to be evidence.

43. If any person shall wilfully insult the Commissioner of any Court of Requests whilst sitting in court, or shall in any other manner be guilty of any wilful contempt in the face of the court, it shall be lawful for such Commissioner by warrant under his hand to commit the person so offending to the common gaol of the district within which such court shall be holden, for any term not exceeding one calendar month.

Contempt of court to be punished.

V.—Miscellaneous Provisions.

Arrest of debtors escaping from the colony.

44. And whereas debtors cannot be restrained from leaving the colony, except by a writ of arrest issued under the order of a Judge of the Supreme Court: And whereas it may often happen that immediate access cannot be had to a Judge of the Supreme Court, for the purpose of obtaining such order: Be it therefore enacted, That it shall be lawful for any such Commissioner as aforesaid (in the absence of a Judge of the Supreme Court) to issue a warrant under his hand for the apprehension of any person so intending to leave the colony; who shall thereupon give security (to the satisfaction of such Commissioner) to abide the result of an application to be made to a Judge of the Supreme Court for such writ of arrest as aforesaid, or in default thereof shall be kept in custody until the result of such application shall be known: Provided that no such warrant as aforesaid shall be issued except upon such affidavit as may be required in like cases by the rules of the Supreme Court for the time being.

Period of detention not to exceed three months.

45. No person apprehended as aforesaid shall be detained in custody by virtue of any such warrant for any period exceeding three calendar months; and it shall be lawful for the Commissioner at any time within such period to require proof to be made (on affidavit) that due diligence has been used to obtain such writ of arrest as aforesaid; and, in default of proof, the Commissioner shall discharge the person so detained as aforesaid, or cancel his securities, as the case may be.

Commencement of Ordinance.

46. This Ordinance shall come into operation on the 1st day of October 1844: Provided always, that when judgment shall have been given in any suit in any county court before the said 1st day of October 1844, execution may be had, and all other proceedings may be taken on such judgment as fully and effectually as if the said recited Ordinance (Session II. No. 2,) had not been repealed.

Robert FitzRoy, Governor.

Passed the Legislative Council this 27th day of June, A.D. 1844.

J. Coates, Clerk of Councils.

SCHEDULE. (A.)

FORMS.

1.—OATH of COMMISSIONER.

I, A. B., do swear, That I will truly and faithfully, and to the best and utmost of my skill and knowledge, discharge the duties of a Commissioner of the Court of Requests, without fear, favour or malice. So help me God.

2.—SUMMONS to DEFENDANT.

[Auckland.] }
Court of Requests. }

To A. B., of [calling or occupation] You are hereby summoned and required to appear personally or by agent before the Commissioner of the above-mentioned court, at the office of the said court at [Auckland,] on such court-day as shall fall next after the expiration of ten clear days after the personal service hereof, at 10 o'clock in the forenoon, to answer the demand of C.D., of [calling or occupation] for the debt of [insert the sum in words] the particulars whereof are hereto annexed. AND TAKE NOTICE, that if you shall fail so to appear, the plaintiff will obtain judgment and execution against you in your absence.

Dated the day of , 184 .

By the Court, [Seal.]

Bring with you this Summons, and the particulars hereto annexed.

N.B.—The court-days are the first and third Wednesday of every month.

No plea of set-off or of any statute of limitations will be admitted unless notice thereof in writing shall have been left at the office of the clerk of the court five clear days at least before the day above named for your appearance before the Commissioner.

3.—JUDGMENT of ORDER for PAYMENT of MONEY.

Court of Requests holden at , on the day of 184 .

Between Plaintiff and Defendant. It is ordered, That the do
pay to the the sum of [sum in words] for debt, and [sum in words] costs.

Entered

By the Court.

4.—WARRANT

4.—WARRANT of EXECUTION against GOODS.

[Auckland.] }
Court of Requests. }

To the Bailiff of the said Court of Requests at [Auckland.]

You are hereby commanded to cause to be made of the goods and chattels of
of such goods and chattels being in your district, the
sum of [in words,] which is adjudged to of by an
order of the said Court, dated the day of and after levy
made thereof, forthwith to pay the same to the clerk of the said court at the office of the
said court in [Auckland]; and in what manner you shall have executed this warrant, make
appear to the said court immediately after the execution hereof; and have you then and there
this warrant.

Dated the day of 184
By the Court, [Seal.]

5.—WARRANT of EXECUTION against the PERSON.

To the Bailiff of the Court of Requests at [Auckland.]

You are hereby commanded to take of if he be found in your
district, and deliver him into the custody of the keeper of the common gaol of the district
of [Auckland,] there to remain for the space of or until he shall have
satisfied the sum of [sum in words] which he hath been ordered
to pay to of by an order of the court, dated
the day of 184 . And in what manner you shall have
executed this warrant make appear to the said court immediately after the execution hereof ;
and have you then and there this warrant.

Dated the day of 184 .
By the Court, [Seal.]

SCHEDULE (B.)

SCALE OF FEES, &c.

	On Debts not exceeding 40s.	Exceeding 40s., but not exceeding 5l.	Exceeding 5l., but not exceeding 10l.	Exceeding 10l.
CLERK'S FEES.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Every summons - - - - -	- 1 -	- 1 6	- 2 -	- 3 -
Every hearing - - - - -	- 1 -	- 2 -	- 3 -	- 6 -
Entering notice of special defence - -	- - 6	- 1 -	- 1 6	- 3 -
Entering any judgment or order - -	- - 6	- 1 -	- 1 6	- 3 -
Every warrant of execution - - -	- 1 -	- 2 -	- 3 -	- 6 -
Certifying costs of witnesses - - -	- - 6	- 1 -	- 1 6	- 3 -
BAILIFFS' FEES.				
Serving summons or subpoena, if within one mile of the office - - - -	- - 6	- 1 -	- 1 6	- 2 -
For every mile extra (one way) - -	- - 6	- - 6	- - 6	- - 6
For execution of any warrant against the goods or body, 1s. in the pound upon the sum levied or received, or for which the body is taken in execution.				
If beyond one mile from the office, per mile (one way) - - - - -	- - 6	- - 6	- - 6	- - 6
For conveying any person to prison, (including all expenses) for every mile Bailiff, when in possession, per diem, 2s. 6d.	- 1 -	- 1 -	- 1 -	- 1 -
ALLOWANCE TO WITNESSES.				
For every witness residing within one mile of the office - - - - -	- 2 -	- - -	- 2 -	- 2 -
For every extra mile (one way) - -	- - 6	- - 6	- 1 -	- 1 -

NATIVE TRUST ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 9.)

ANALYSIS.

Title.
Preamble.

I.—*The Trustees and their Powers.*

1. Who to be trustees.
2. Vacancies how to be supplied.
3. Trust property to vest in new and old trustees.
4. Trustees how to be styled.
5. Trusts on which property to be holden.
6. Property not to be sold or encumbered.
7. Power of trustees to grant leases.
8. And to exchange.
9. All encumbrances to be void.
10. Trusts of property set apart for benefit of half-caste children.
11. On failure of their descendants, property to be holden by trustees on general trusts of Ordinance.
12. Certain half-caste children to be deemed "Native People."
13. Power of trustees to appoint agents.

14. Schoolmasters, &c.
15. And secretary.

II.—*Proceedings of Trustees.*

16. Annual meetings.
17. Special meetings.
18. Ordinary meetings.
19. Senior member to preside.
20. And to have a casting vote.
21. Business of "Annual Meeting;" General statement of affairs of trust.
22. Estimate and appropriation of income.
23. Business of "Special Meetings," &c.; Agents, &c. to be appointed.
24. Forms, &c. of leases to be prescribed.
25. Ordinary meetings.
26. Leases to be sealed with seal of trust.
27. Trustees to make annual report to Secretary of State.
28. Commencement of Ordinance.

Title.

AN ORDINANCE for appointing a Board of Trustees for the Management of Property to be set apart for the Education and Advancement of the Native Race.—(Passed the 29th day of June 1844.)

Preamble.

WHEREAS the native people of New Zealand are by natural endowment apt for the acquirement of the arts and habits of civilized life, and are capable of great moral and social advancement: And whereas large numbers of the said people are already desirous of being instructed in the English language, and in English arts and usages: And whereas great disasters have fallen upon uncivilized nations on being brought into contact with colonists from the nations of Europe; and in undertaking the colonization of New Zealand, Her Majesty's Government have recognized the duty of endeavouring by all practicable means to avert the like disasters from the native people of these islands, which object may best be attained by assimilating as speedily as possible the habits and usages of the native to those of the European population: And whereas provision hath been made for the appropriation of certain lands and monies for the purposes aforesaid, and it is expedient for the better administration of the said lands and monies that trustees should be appointed, in whom the same shall be vested with the powers and under the restrictions hereinafter expressed; Be it therefore enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:

I.—*Trustees and their Powers.*

Who to be trustees.

1. For the purpose of effecting the objects hereinbefore mentioned, the persons hereinafter named shall be and are hereby appointed trustees; (that is to say)

"His Excellency the Governor and Commander-in-chief in and over the colony of New Zealand and its dependencies for the time being, or the officer for the time being administering the government thereof;

"The Right Reverend the Lord Bishop of New Zealand for the time being;

"The Attorney-general for New Zealand for the time being, or the person for the time being lawfully acting in that capacity;

"William Spain, Esquire, so long as he shall be a Commissioner of Land Claims;

"The Chief Protector of Aborigines for the time being, or the person for the time being lawfully acting in that capacity."

Vacancies how to be supplied.

2. In case any person who by virtue of his office or otherwise would be a trustee under the provisions of this Ordinance, shall be unwilling to act as such trustee, or be desirous of being discharged from such trust, and in case the said William Spain shall cease to hold the office of Commissioner of Land Claims, his Excellency the Governor shall forthwith by warrant under his hand appoint provisionally, subject to Her Majesty's confirmation, some fit person to be a trustee in the place of the person so declining to act or desiring to be discharged, or of the officer whose office shall so have ceased to exist.

Trust property to vest in new and old trustees.

3. Upon every such appointment, all the trust property, real and personal, shall vest without any conveyance or assignment in the continuing trustees and such new trustees as joint tenants thereof, as fully and in the same manner in all respects as in the original trustees.

Trustees how to be styled.

4. The said trustees shall be styled "The Trustees for Native Education and Improvement in New Zealand."

Trusts on which property to be holden.

5. All property, real or personal, which shall from time to time be granted, conveyed, devised, bequeathed or given to "The Trustees for Native Education in New Zealand," shall be holden by them upon the trusts hereinafter declared; (that is to say) upon trust that

that the said trustees shall apply and expend the rents, issues and proceeds thereof in the establishment and maintenance of schools for the instruction of the native people in the English language, and for a systematic course of industrial and moral training in English usages and English arts, and in providing for the relief of the sick, and generally in such a way as may be most conducive to the bodily and spiritual welfare of the native race, and to their advancement in the scale of social and political existence; such schools, provision for the relief of the sick, religious instruction or other advantages not being exclusively confined to persons of one particular religion.

6. And whereas it is desirable that all property, real or personal, which shall be at any time granted or conveyed, devised, bequeathed or given to the said trustees, upon the trusts hereinbefore declared, shall remain vested in the said trustees for the time being, free from any charge or encumbrance whatsoever, and be managed, laid out and invested by them in such manner as that the best yearly income which can be reasonably made to arise therefrom may be available for the purposes of this Ordinance; Be it therefore enacted as follows; (that is to say) the said trustees shall not mortgage, charge or encumber the said property, real or personal, or any part thereof, or the rents, issues and proceeds thereof, or any part thereof, nor shall they alienate or dispose of such real property as aforesaid, or any part thereof, except as hereinafter mentioned; (that is to say)

Property not to be sold or encumbered.

7. It shall be lawful for the trustees for the time being to let the same or any part thereof, upon lease of any nature, and upon any such conditions as to the trustees may seem fit, for any term not exceeding 99 years, to take effect in possession, at the best yearly rent that can reasonably be gotten for the same, without taking any fine or premium for the making of such lease.

Power to trustees to grant leases.

8. It shall also be lawful for the trustees for the time being to exchange the said real property, or any part thereof, for other property of the like nature and tenure situated within the colony, and which shall appear to them to be of equal value with the land so given in exchange by them; the property so received in exchange shall be subject to all the trusts, powers and provisions hereinafter contained.

And to exchange.

9. All mortgages, charges and encumbrances of or upon the trust property or any part of the same, and all conveyances and alienations (excepting such as shall be made by virtue of the powers of leasing and exchanging as hereinbefore given), shall be void and of none effect whatsoever.

All encumbrances, &c. to be void.

10. And whereas there are and may be within the colony many children of whose parents one only is or may be of the native race, for the benefit of which children their relations of the native race may desire to appropriate portions of lands: And whereas the lands so from time to time to be appropriated may be advantageously managed by the trustees appointed by the general purposes of this Ordinance; Be it therefore enacted as follows:—Every such portion of land which shall have been lawfully vested in the said trustees, and the rents, issues and proceeds thereof, shall be holden by them upon trust for the education, maintenance and advancement of the persons for whose benefit the same shall have been originally appropriated and their descendants, in such shares and proportions and in such manner in all respects as to the trustees shall seem meet; with all the powers and subject to all the restrictions and provisions hereinbefore particularly mentioned, as to other lands holden by the said trustees for the general purposes of this Ordinance: Provided always, that nothing herein contained shall be held to prevent the said trustees from letting any such portions of land as aforesaid, or any part thereof, to any person beneficially interested therein, at a nominal rent, or such rent as to the trustees in their discretion may seem meet, or from making an absolute conveyance of the said portions of land, or any part thereof, to the children or descendants, or any of them, of the persons in whose favour such lands shall have been originally appropriated in such manner as to the said trustees in their discretion may seem meet.

Trusts of property set apart for half-caste children.

11. In case there shall be at any time no person entitled to any beneficial interest in any lands so appropriated as last mentioned, the trustees shall hold such lands upon trust for the general purposes of this Ordinance, with and subject to all the trusts, powers and provisions herein contained.

On failure of their descendants, property to be holden on general trusts of this Ordinance.

12. All persons of whose parents one only shall be of the native race, and for whom no lands shall have been appropriated as aforesaid, shall be deemed and taken to be native people within the provisions of this Ordinance.

Certain half-caste children to be deemed native people.

13. The said trustees are hereby empowered to appoint from time to time such persons as they may think fit to be agents for the management of the trust property, in such places and in such manner as the said trustees may direct, and to remove such agents or any of them at their discretion, and to invest such agents for the time being with such powers and authorities as may be deemed necessary for the efficient and profitable management of the trust property aforesaid; and to allow to such agents, out of the trust funds, such reasonable remuneration for their services, and in such manner as to the trustees may seem fit.

Power to trustees to appoint agents.

14. The said trustees are hereby empowered to appoint from time to time such persons as they may think fit to be masters or mistresses of schools to be established under the provisions of this Ordinance, and to remove such masters or mistresses, or any of them, at their discretion; and to allow such masters and mistresses, out of the trust fund, such remuneration and in such manner as to the trustees may seem fit; and from time to time to prescribe the system of instruction to be pursued in such schools, and to make rules for the regulation and government thereof.

Schoolmasters, &c.

15. The said trustees are also hereby empowered to appoint from time to time (whenever the business of the trust shall require such appointment to be made) some fit person to be

And Secretary.

secretary to the said trustees; and to remove any such secretary at their discretion, and to allow to such secretary, out of the trust funds, such reasonable remuneration for his services as to the trustees may seem fit.

II.—*Proceedings of Trustees.*

- Annual meeting.** 16. For the purpose of carrying this Ordinance into execution, the said trustees, or any four of them, shall, in the month of October in every year, or as soon thereafter as conveniently may be, hold a meeting, to be called the "Annual Meeting."
- Special meetings.** 17. The said trustees, or any four of them, may also hold meetings at such times as they may deem expedient, which shall be called "Special Meetings."
- Ordinary meetings.** 18. The said trustees or any three of them shall hold a meeting which shall be called an "Ordinary Meeting," at least once in every quarter of a year, and at such other times as they may deem expedient.
- Senior member to preside;** 19. At every meeting of the said trustees, his Excellency the Governor, or in his absence the senior trustee then present shall preside.
- And to have a casting vote.** 20. All questions proposed for the decision of any meeting shall be decided by a majority of votes of the trustees then present: provided that the trustee presiding at such meeting shall, in addition to his original vote, have also a casting vote, if upon any question the votes shall be equally divided.
- Business of the "annual meeting;" General statement of affairs of trust.** 21. At every such "annual meeting" as aforesaid, there shall be laid before the trustees, by the secretary or person acting as such, a general statement of the affairs of the trust, made up to and including the last day of the month preceding that in which such "annual meeting" shall be holden, and of the then existing property, effects, debts, contracts and liabilities, together with an estimate of the probable gross income of the trust for the ensuing year.
- Estimate and appropriation of income.** 22. The trustees shall then appropriate what shall appear to them the probable amount of such income for specific purposes, and in such shares and proportions, and in such manner as shall appear to them best calculated for promoting the objects of this Ordinance; it shall not be lawful for the trustees at any time or in any manner to incur any expense or liability in respect of the said trust, other than such as shall have been so sanctioned by such appropriation as aforesaid, at the "annual meeting" then last preceding.
- Business of "special meetings," &c.; Agents, &c. to be appointed.** 23. At such "annual meeting" or at such "special meeting" as aforesaid, but at no other time, the trustees may exercise the powers hereinbefore given to them touching the appointment, removal, authority and payment of the secretary, agents, masters and mistresses of schools, the system of instruction to be pursued in such schools, and the rules to be made for the regulation and government thereof.
- Terms of leases, &c. to be prescribed.** 24. The said trustees may also from time to time, at any such "annual meeting" or "special meeting" as aforesaid, but at no other time, settle and prescribe the terms and conditions on which leases of the trust lands shall be granted, and the manner in which the property of the trust shall be administered, and make such rules and regulations as they may think fit respecting the mode of convening any of the meetings to be holden under the authority of this Ordinance, and of transacting business thereat.
- Ordinary meetings.** 25. At any such "ordinary meeting" as aforesaid, the trustees then present may consider applications for leases, and grant leases, and generally transact all such business, and do all such acts (other than such as are hereinbefore forbidden to be done except at an "annual" or "special meeting") as may be necessary for the carrying into effect the provisions of this Ordinance.
- Leases to be sealed with seal of trust.** 26. The said trustees shall have and use a common seal, and all leases to be made by them shall be sealed therewith, in the presence of three trustees at the least; every lease so stamped with the said seal shall be as good and valid in all respects as if it had been executed and attested as by law required; and the party producing any such lease in any court shall not be bound to offer any proof that the said seal was set thereto in such presence as aforesaid.
- Trustees to make annual Report to the Secretary of State.** 27. The said trustees shall once in every year submit to his Excellency the Governor, for transmission to Her Majesty's Principal Secretary of State for the Colonies, copies of the general statement and estimate which shall have been so laid before the then last "annual meeting" as aforesaid, together with a statement of the appropriation then made of the income for the year next ensuing, and copies of all general rules whatsoever made by the said trustees since the date of the last yearly report, and such further information as may be necessary to show the working and results of the trust hereby created; and the said trustees shall furnish copies of such general statement and estimate, with the appropriation of the annual income, to be laid before the Legislative Council at their next meeting; and the trustees shall also publish the same in the "Government Gazette," and in one or more of the newspapers which may be published in the colony.
- Commencement of Ordinance.** 28. This Ordinance shall not come into operation until it shall have received the Royal confirmation, and until such confirmation shall have been notified accordingly in the New Zealand "Government Gazette," by order of His Excellency the Governor of New Zealand for the time being.

Robert FitzRoy, Governor.

Passed the Legislative Council this 29th day of June, A.D. 1844.

J. Coates, Clerk of Council.

AUCTIONEERS'

AUCTIONEERS' AMENDMENT ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 10.)

ANALYSIS.

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| Title.
1. Preamble, Auctioneers' Ordinance, Session 2, No. 13, recited; and Sections 2, 3, 6 and 12, repealed. | 2. License raised to 40 <i>l</i> . |
|---|------------------------------------|

AN ORDINANCE to amend an Ordinance for licensing Auctioneers.—(Passed the 29th day of June 1844.)

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, (Session 2, No. 13,) intituled, "An Ordinance for licensing Auctioneers," it is enacted, that there be levied and paid in respect of all estates, goods and effects (except as in the said Ordinance mentioned), sold by way of auction, a duty of 1*l*. for every 100*l*. arising from such sale, and provision is made for the collection of such duty: And whereas it is expedient that from and after the day hereinafter mentioned, the said duty shall cease to be payable, and in lieu thereof the sum of money by the said Ordinance required to be paid for auctioneers' licenses be increased in amount: Be it therefore enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, That from and after the 25th day of April 1845, so much of the said Ordinance as relates to the said auction duty and the levying thereof, shall be repealed.

Preamble.
Auctioneers' Ordinance
(Session 2, No. 13)
recited.

Sections 2, 3, 6 & 12
repealed.

2. For every license which shall hereafter be granted under the provisions of the said Ordinance, there shall be paid the sum of 40*l*.

Licenses raised to 40*l*.

(signed) *Robert FitzRoy*, Governor.

Passed the Legislative Council this 29th day of June, A.D. 1844.

(signed) *J. Coates*, Clerk of Councils.

CONVEYANCING AMENDMENT ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 2.)

ANALYSIS.

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| Title. Preamble.
1. Clause 52 of Conveyancing Ordinance recited; 5 & 6 Will. 4, cap. 62, referred to; Clause 52 of Conveyancing Ordinance repealed. | 2. Deeds, &c. verified by affirmation, to be received in evidence.
3. Explanatory clause. |
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AN ORDINANCE to amend an Ordinance to facilitate the Transfer of Real Property, and to simplify the Law relating thereto.—(Passed the 4th day of July 1844.)

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, (Session 2, No. 10,) intituled, "An Ordinance to facilitate the Transfer of Real Property, and to simplify the Law relating thereto," it is enacted (Clause 52), that "Every deed or will executed out of this colony shall be received in evidence in every court of justice in the colony, provided the execution thereof shall be verified on oath by any one of the witnesses thereto in manner following; that is to say,—

Preamble.
Clause 52 of Conveyancing Ordinance
recited.

"When the same shall have been executed in Great Britain or Ireland, it shall be so verified before the mayor, provost or other chief magistrate of any corporate town; if in any British colony, before the officer administering the government thereof, or before two justices of the peace; if in any foreign country, then before any British consul resident therein: Provided also, that such verification be certified under the seal of such body corporate, officer or consul, or under the hands of such justices, as the case may be."

And whereas by an Act of Parliament passed in the Session of Parliament holden in the 5th and 6th years of the reign of his late Majesty King William the Fourth, chap. 62, provision hath been made for verifying the execution of wills and codicils, deeds and instruments in writing, by solemn declaration in lieu of oath, in manner therein mentioned; Be it therefore enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, that—

5 & 6 Will. 4, c. 62,
referred to.

So much of the said Ordinance as is hereinbefore recited be repealed.

2. Every will or codicil, deed or instrument in writing, executed beyond the limits of the colony, whereof the execution shall have been verified as by the said Act of Parliament required, shall be received in evidence in every court of justice in the colony.

Clause 52 of Conveyancing Ordinance repealed.
Deeds, &c. verified by affirmation to be received be evidence.

Explanatory clause.

3. And whereas by the said recited Ordinance it is enacted, that no land shall pass by any contract for the purchase of land, and by reason of the extended meaning given to the word "land" in the interpretation clause of the said Ordinance, doubts have arisen whether the equitable jurisdiction of the Supreme Court in respect of such contracts is not diminished or affected by the said enactment; Be it therefore declared and enacted, That the rules of courts of equity in England touching the operation and enforcement of contracts for the purchase of land, shall be adopted and followed in all cases in the Supreme Court of this colony, anything in the said Ordinance contained notwithstanding.

Robert Fitz Roy, Governor.

Passed the Legislative Council this 4th day of July, A.D. 1844.

J. Coates, Clerk of Councils.

MUNICIPAL CORPORATIONS ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 12.)

ANALYSIS.

Title.
Preamble.

I.—*Creation and Constitution.*

1. Creation.
2. Incorporation.
3. The Council.
4. Proclamation of borough; Boundaries.

II.—*Powers of the Council.*

5. To improve the borough.
6. And harbours.
7. Trusts of corporate property declared.
8. To make bye-laws.

III.—*Qualification of Electors and Mode of Election.*

9. Burgesses.
10. Time for claiming a vote.
11. Form of claim.
12. Payment before enrolment.
13. Burgess roll.
14. First election.
15. List of persons elected.
16. Aldermen.
17. Mayor.
18. Reserved list.
19. Mode of voting.
20. Duration of election.
21. Questions to be put.
22. False answer.
23. Result of election.
24. Publication thereof.
25. Voting papers to be kept for inspection.
26. Notice to persons elected.
27. Refusal to act.
28. Vacancies supplied.
29. Burgess roll for future elections.
30. Duration of burgess roll.
31. Future election of aldermen.
32. Retiring aldermen may be re-elected.
33. Order of retirement.
34. Auditors.
35. Mode of election.
36. Vacancy.
37. Equality of votes.

IV.—*Corporate Officers.*

38. Their oath, Form of.
39. Mayor; Duration of office.
40. Who to be.
41. Vacancy.

42. Temporary incapacity.
43. Mayor to be returning officer.
44. Penalty.
45. Resignation.
46. Who exempt.
47. Who disqualified.
48. Convicted felons, &c.
49. Bankruptcy, &c., of mayor or aldermen.
50. Members of council not to contract.

V.—*Meetings of Council.*

51. Majority; Quorum.
52. To be called by Mayor.
53. Notice of meetings.
54. Proceedings to be public.
55. Chairman.
56. Casting vote.
57. Minutes.
58. Open to inspection.

VI.—*Appointment of Committees and Officers.*

59. Committees.
60. Town clerk and treasurer.
61. Constables.
62. Their oath.
63. Number, &c. to be reported.
64. Police office.
65. Borough gaol.
66. Costs of criminal prosecutions.

VII.—*Borough Rates, Tolls and Dues.*

67. Borough rate.
68. By whom to be paid.
69. Valuation.
70. Assessment.
71. Appeal.
72. Collection of rates.
73. Arrears.
74. To be published.
75. Borough fund.
76. To levy tolls, &c.
77. Money may be borrowed.
78. Application of tolls, &c.
79. Yearly audit; balance sheet to be published.
80. Remedy for misapplication of borough fund.
81. Penalties.
82. Witnesses.
83. H. M. dockyards, &c., excepted.
84. Commencement of Ordinance.
Form of Claim.

Title.

AN ORDINANCE to provide for the Establishment and Regulation of Municipal Corporations.
—(Passed the 9th day of July 1844.)

Preamble.

WHEREAS it is necessary that provision should be made for the good order, health and convenience of the inhabitants of towns and their neighbourhoods: And whereas the inhabitants themselves are best qualified, as well by their more intimate knowledge of local affairs as by their more direct interest therein, effectually to provide for the same: And
whereas.

whereas the habit of self-government in such cases hath been found to keep alive a spirit of self-reliance, and a respect for the laws, and to prepare men for the due exercise of other political privileges; Be it therefore enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

I.—*Creation and Constitution.*

1. Every settlement within the colony, having a population of 2,000 souls, may be a borough within the meaning of this Ordinance, and be governed by a council to be elected by the burgesses thereof. Creation.
2. In every borough there shall be a body corporate, which shall take and bear the name of "The Mayor, Aldermen, and Burgesses" of such borough, and by that name shall have perpetual succession, and shall have a common seal, and shall, by the council thereof, do all acts, and have and enjoy all rights and privileges which bodies corporate as such may do, have or enjoy. Incorporation.
3. The Council of every such body corporate shall consist of a mayor and 11 aldermen, to be elected as hereinafter provided. The Council.
4. Whenever the population of any settlement shall amount to 2,000 souls, as aforesaid, His Excellency the Governor may by proclamation declare the same to be a borough within the meaning of this Ordinance, and may at the same time, with the advice of the executive council, define the boundaries thereof: Provided always, that such boundaries shall not in any case extend to a distance greater than Seven miles in a straight line from the principal market-place of the settlement. Proclamation of
borough.

Boundaries.

II.—*Powers of the Council.*

5. The Council shall have power to make and keep in repair all roads, streets, squares, causeways and bridges within the limits of the borough; to excavate, construct, and maintain wells, waterworks, conduits, sewers, and other like works; and to provide for the prevention of fires, the prevention and abatement of nuisances, the establishment of markets, the construction of market-places, the watching, paving, lighting and cleansing of the said borough; and for all such purposes as they may deem necessary for the good order, health and convenience of the inhabitants thereof. To improve the borough.
6. Whenever the limits of any borough shall extend to or comprise any harbour on the sea-shore, or any navigable river, the council shall also have power to construct and maintain such docks, basins, locks, wharfs, quays, piers, and landing-places, as they may deem necessary for facilitating and encouraging the trade and commerce of the borough. To improve harbours.
7. All property, real or personal, which shall at any time be granted or conveyed to or otherwise become vested in "the mayor, aldermen and burgesses" of any borough for the general benefit of such borough, where no specific trust of such property shall have been declared by the grantor or donor thereof, shall be held by such mayor, aldermen and burgesses, upon trust to carry into effect the objects of this Ordinance, and none other. Trusts of corporate
property declared.
8. It shall be lawful for the council (two-thirds thereof being present at any meeting for the purpose), for the more effectual exercise of the powers hereby given, and for the good rule and government of the borough, to make from time to time such bye-laws as may seem meet, and by such bye-laws to impose any fine not exceeding 5*l.*, upon any person offending against the same; provided, that a copy of every bye-law made by any council under the authority hereof, shall be transmitted by the mayor of such borough to His Excellency the Governor; and it shall be lawful for the said Governor, at any time within two calendar months after the receipt of such copy, to disallow such bye-law; and so soon as notice of such disallowance shall have been given by the Governor, and received by the mayor of the borough where such bye-law shall have been passed, such bye-law shall be void and of no effect; no such bye-law shall come into operation until the expiration of three calendar months after the same shall have been transmitted as aforesaid, unless notice of the Governor's assent thereto shall have been given and received as aforesaid, before the expiration of that period. Bye-laws.

III.—*Qualification of Electors and Mode of Election.*

9. Every male inhabitant of a borough of full age shall, being duly enrolled in manner hereinafter mentioned, be qualified to vote at the election of the council. Burgesses.
10. His Excellency the Governor shall, by such proclamation as aforesaid, prescribe a period within which all claims to the right of voting at the election of the first council of such borough shall be made, and shall appoint a fit person to receive such claims, and to act as returning officer at such election. Time for claiming to
vote.
11. Every claim shall be in writing, according to the form to this Ordinance annexed. Form of claim.
12. And whereas there may be persons interested in the good government of a borough, and qualified to have a voice therein, but who may not have property rateable under this Ordinance; and it is not fitting that any man should have (directly or indirectly) any power of taxing the inhabitants of any borough, or any share in the management of the funds thereof, who shall not himself contribute thereto; Be it enacted, That every person claiming the right of voting as aforesaid, shall, at the time of preferring such claim, pay to the returning officer the sum of 20 *s.*, every sum so paid shall form part of the borough fund hereinafter mentioned; provided, that where the person making such payment shall in the

course of the ensuing year be assessed to any borough-rate, such payment shall be deemed to have been made on account of such rate, and the excess of such payment, if any, over and above the amount of his borough-rate for the year, shall be returned accordingly.

Burgess roll.

13. The names of all such inhabitants as aforesaid, who shall have made such claim and payment as aforesaid, shall be entered forthwith by the returning-officer as aforesaid, upon a roll, which shall be called "The Burgess Roll" of the borough; the names which shall appear upon the burgess roll shall be forthwith arranged by the returning-officer in alphabetical order, in a written or printed list, which shall be affixed upon the outer door of the town-hall, or upon some other conspicuous place within the borough; a copy of the list shall be delivered by him to any person applying for the same, on payment of the sum of 1s.

First election.

14. On the first Monday of the month next but one succeeding the time appointed for the making out of the first burgess roll, the burgesses of the borough shall proceed to elect 18 persons being burgesses.

List of persons elected.

15. The returning-officer shall arrange the names of the 18 persons so elected on a list, according to the number of votes given for each, so that the name of every person who shall have received a higher number of votes shall be placed before the name of every person who shall have received a lower number of votes.

Aldermen.

16. The 12 burgesses whose names shall stand highest upon the list, shall be declared by the returning-officer to be aldermen of the borough.

Mayor.

17. The mayor of the borough shall be one of the aldermen thereof, to be determined in manner hereinafter provided.

Reserved list.

18. The names of the six remaining burgesses shall form a "Reserved List," out of which all extraordinary vacancies in the council until the next general election thereof shall be supplied, in the order of priority on the list.

Mode of voting.

19. The election of the 18 persons before mentioned shall be conducted in the manner following: every burgess may vote for any number of persons not exceeding the number then to be chosen, by delivering to the returning-officer a voting paper containing the christian names and surnames of the persons for whom he votes, with their respective places of abode and description, such paper being signed with the name of the burgess so voting, and setting forth his place of abode and description.

Duration of election.

20. The voting shall commence at nine of the clock in the forenoon, and shall finally close at four of the clock in the afternoon of the same day.

Questions to be put.

21. No inquiry shall be permitted at any election as to the right of any person to vote, except only as follows; (that is to say) that the returning-officer shall, if required by any two burgesses, put to any voter at the time of his delivering in of his voting paper, and not afterwards, the following questions, or either of them, and no others:

1. Are you the person whose name is signed as "A. B." to the voting paper now delivered in by you?

2. Are you the person whose name appears as "A. B." on the burgess roll now in force for this borough?

And no person required to answer either of the said questions shall be permitted to vote until he shall have answered the same.

False answer.

22. If any person shall wilfully make a false answer to either of the questions aforesaid, he shall be guilty of a misdemeanor.

Result of election.

23. At the close of the election the returning-officer shall ascertain the number of votes given for every person whose name shall appear upon the voting papers, and so many of such persons, being equal to the number of persons then to be chosen, as shall have the greatest number of votes, shall be deemed to be elected.

Publication thereof.

24. The returning-officer shall then make out a list of the names of the persons so elected, arranging them as hereinbefore required, and shall forthwith publish the same.

Voting papers to be kept for inspection.

25. A copy of the said list shall be kept by the town clerk of the borough, who shall also for the space of six calendar months after the election, keep the said voting papers, and shall permit any burgess to inspect the same upon payment of 1s.

Notice to persons elected.

26. The returning-officer shall also forthwith give notice in writing to the several persons elected, of such their election, and shall require them severally, within one week, to declare whether they accept or decline the offices to which they have been respectively elected.

Refusal to act.

27. If any person so elected shall, after receipt of such notice, fail to comply with such requirement, he shall be held to have declined such office.

Vacancy supplied.

28. In case any persons shall decline the offices to which they have been elected, so many of the persons whose names shall stand first on the reserved list as shall be equal to the number of persons so declining, shall be deemed to have been elected members of the council, and shall receive notice thereof accordingly; and so on until the number of the council shall be completed. In case any vacancy shall exist, or any extraordinary vacancy shall occur in the council, when the reserved list shall have been exhausted, such vacancy shall be filled up by an election to be conducted in manner hereinbefore provided.

Burgess roll for future elections.

29. In the month of May in every year after that in which the first election of the council shall have taken place, the town clerk shall make out and publish a new "burgess roll," in the manner and subject to the conditions hereinbefore provided for the formation of the first burgess roll: Provided that the sum to be paid before the enrolment of any burgess, may be from time to time increased or diminished as to the council of the borough shall seem meet; but so that such sum shall in no case exceed the amount of the borough-rate for the preceding year, divided by the number of rate-payers.

Duration of burgess rolls.

30. The first and every succeeding burgess roll shall be in force until the completion of the one next succeeding, and no longer.

31. On

31. On the first Monday in the month of December, in every year after that in which the first election of the council shall have taken place, the mayor shall hold a meeting for the election of 12 burgesses, in manner and subject to the requirements hereinbefore prescribed for the election of the first council, of whom the six who shall have received the highest number of votes shall be declared aldermen of the borough, and the names of the remaining six shall form a reserved list for the year next ensuing.

Future election of aldermen.

32. At the completion of every such election, six of the existing aldermen (the mayor being considered an alderman) shall go out of office: Provided always, that any alderman shall be capable of being re-elected immediately upon the expiration of his term of office.

Retiring aldermen.
May be re-elected.

33. The six aldermen who shall go out of office at the second election shall be those who received the smallest number of votes at the first election, and at every subsequent election shall always be those who have been aldermen for the longest time without re-election.

Order of retirement.

34. On the first Monday in the month of January in every year, the burgesses shall elect from amongst themselves, by a majority of votes, two persons, who shall be and be called auditors of such borough; and every such auditor shall continue in office until the same day in the year following.

Auditors.

35. No burgess shall vote for more than one person to be an auditor, but in all other respects the election shall be in form and manner hereinbefore provided for the election of aldermen: Provided always, that no burgess shall be eligible to be an auditor, or shall be capable of acting as auditor, who shall be an alderman or town clerk, or treasurer of the borough.

Mode of election.

36. If any auditor shall die, or be incapable of discharging the duties of his office, the burgesses shall, on a day to be fixed by the Mayor, in like manner elect a fit person in the stead of such auditor.

Vacancy.

37. In case of an equality of votes at any election to be holden under the authority of this Ordinance, the returning-officer shall determine by lot the priority between the persons for whom an equal number of votes shall have been given.

Equality of votes.

IV.—Corporate Officers.

38. No mayor, alderman or auditor shall act as such (except in administering the oath hereinafter contained) until he shall have taken before any two or more of such aldermen (who are hereby authorized to administer the same) an oath in the words or to the effect following; (that is to say)

Oath.

"I, A. B., having been elected alderman (or as the case may be) for the borough of do swear, that I will duly and faithfully fulfil the duties of my office, to the best of my judgment and ability. So help me God."

Form of oath.

39. The mayor shall hold his office until the last Monday of December in the year following his election, and until his successor shall have accepted the office of mayor (on which day the council shall meet for the purpose of electing his successor).

Mayor; duration of office.

40. The office of mayor shall at the first election be filled by such member of the council (being willing to hold the same) as shall have received the highest number of votes; and at all subsequent elections the mayor shall be elected from amongst the council by themselves, by a majority of votes, the late mayor having a casting vote.

Who to be.

41. In case of an extraordinary vacancy in the office of mayor, the council shall meet for the purpose of electing a successor, for the remainder of the year, in the manner hereinbefore provided.

Vacancy.

42. If the mayor shall, by reason of absence or illness, be incapable of discharging the duties of his office, it shall be lawful for the first alderman upon the list, who shall be willing so to do, to perform the same.

Temporary incapacity.

43. The mayor for the time being shall be returning officer for the borough.

Mayor to be returning officer.

44. Every person who shall be liable to serve the office of mayor or alderman, and who shall refuse to accept the same, shall forfeit the sum of 10 £, upon payment whereof he shall be discharged from such liability.

Penalty.

45. It shall be lawful for any mayor or alderman to resign his office at any time with the consent of the council; provided that the mayor or alderman desiring to resign shall give to the council not less than three weeks' notice of his intention.

Resignation.

46. No member of the Legislative Council, no person holding office by appointment of his Excellency the Governor, no officer in Her Majesty's army or navy or marine forces, on full pay, nor any revenue officer, shall be liable to serve as mayor or alderman without his own consent.

Who exempt.

47. Provided also, that no judge, sheriff or coroner, no clergyman, priest or minister of religion, shall be qualified to hold the offices aforesaid.

Who disqualified.

48. It shall not be lawful for any man who shall have been convicted of felony, bribery or perjury, (although he shall have suffered the full punishment for his offence) to vote at the election of aldermen and auditors, or to hold any office to be created under the authority of this Ordinance; provided that no man who shall have been convicted of any such offence shall be thereby disqualified in case he shall have received a free pardon.

Convicted felons, &c.

49. If any mayor or alderman shall be declared bankrupt, or shall apply to take the benefit of any act for the relief of persons imprisoned for debt, or shall compound by deed with his creditors, or shall be absent from the borough for three calendar months at one and the same time, such mayor or alderman shall thereupon cease to be a member of the council.

Bankruptcy, &c. of mayor or aldermen.

50. If any member of the Council, or person holding any office in the gift or disposal thereof, shall directly or indirectly have any share or interest in any contract or employment

Members of the council not to contract.

ment with or by the Council (other than as a shareholder in any public company, who shall contract with the Council for the lighting or supplying with water, or insuring against fire any part of such borough), he shall thenceforward cease to be a member of the Council, or to hold such office as aforesaid.

V.—*Meetings of Council.*

- Majority.** 51. All acts whatsoever hereby authorized or required to be done by the Council of any borough, and all questions that may come before such Council, shall be done and decided by the majority of the members of the Council who shall be present at any meeting thereof, the whole number present at any meeting not being less than one-half of the whole Council; provided that no bye-law shall be made unless there shall be present not less than two-thirds of the whole Council.
- Quorum.**
- To be called by mayor.** 52. The mayor shall have power to call a meeting of the Council as often as he shall think proper.
- Notice of meeting.** 53. The mayor shall cause a notice of the time and place of every such intended meeting, specifying the business proposed to be transacted thereat, and signed by him, to be left at the usual place of abode of every member of the Council; every such notice shall be given three clear days, at least, before such meeting, unless it shall appear to the mayor that such delay in the holding of any such meeting would be attended with imminent danger to the welfare of the borough.
- Proceedings to be public.** 54. Every meeting of the Council shall be open to the public.
- Chairman.** 55. At every meeting the mayor, if present, shall preside; in case of his absence the Council shall elect a chairman.
- Casting vote.** 56. The mayor or chairman shall have a second or casting vote, in cases of equality of votes.
- Minutes.** 57. Minutes of the proceedings of every meeting shall be entered in a book to be kept for that purpose, and shall be signed by the person presiding at such meeting.
- Open to inspection.** 58. Every burgess shall be at liberty to inspect and to make extracts from the books so to be kept, at all reasonable times, upon payment of a fee of 1s. for each inspection.

VI.—*Appointment of Committees and Officers.*

- Committees.** 59. It shall be lawful for the Council of any borough to appoint out of their own body such and so many committees, either of a general or special nature, and consisting of such number of persons as may seem fit for any purposes which in the judgment of such Council would be better managed by means of a committee: Provided always, that the proceedings of every such committee shall be submitted to the Council for its approval.
- Town clerk and treasurer.** 60. It shall also be lawful for the Council from time to time to appoint fit persons (not being members of the Council) to be town-clerk and treasurer, who shall hold office during pleasure; and also to appoint such other officers as they shall think necessary for enable them to carry into execution the provisions of this Ordinance, and to pay all the officers so to be appointed such salaries as the Council shall deem reasonable.
- Constables.** 61. It shall be lawful for the watch committee, or if there shall be no such committee, then for the Council, to appoint a sufficient number of fit men (removable at the pleasure of such committee or Council), to act as constables for keeping the peace by day and by night, who shall, within the limits of the borough, have all such powers and privileges, and be liable to all such duties and responsibilities, as any constable may by law have or be liable to, and shall obey all lawful directions touching the execution of their office, which they may from time to time receive from any police magistrate having jurisdiction within the borough.
- Oath.** 62. Every constable so to be appointed shall be sworn in by the mayor of the borough.
- Numbers, &c. to be reported.** 63. The watch committee, or the Council of the borough, as the case may be, shall, in the month of November in every year, transmit to the Colonial Secretary a report of the number and situation of all station-houses in such borough, and of the number of constables, and of the description of arms, accoutrements and clothing, and other necessities furnished to each, and of the salaries, wages and allowances payable to them, and also a copy of all rules and orders made for their regulation and guidance, which shall have received the sanction of such police magistrate.
- Police office.** 64. The Council of every borough shall within six calendar months after the first election provide a suitable office, to be called the "Police Office" of the borough, for the purpose of transacting the business of the magistrates having jurisdiction therein, and shall at all times uphold and maintain the same, and defray all the necessary expenses thereof: Provided, that no room in any victualling-house, or house in which ale, wine or spirits shall be sold, shall be used for such purpose.
- Borough gaol.** 65. The Council of every borough shall also, after the expiration of the period last aforesaid, maintain, at the expense of the borough, a suitable building to be called the "Borough Gaol," for the safe custody of persons awaiting their trial for offences committed within the borough, and all such officers as for such purposes shall be necessary.
- Costs of criminal prosecutions.** 66. After the expiration of twelve calendar months from the first election in any borough, the costs of all prosecutions for offences committed or supposed to be committed within the same, shall be paid out of the borough fund, hereinafter mentioned, upon an order of court, directed to the treasurer of such borough: Provided always, that so soon as any borough shall have become liable to such payment, all rateable property within the same shall be exempt from contribution to any county rate, for the defraying of the like costs

costs in respect of offences committed, or supposed to be committed, beyond the limits of such borough.

VII.—*Borough Rate, Tolls and Dues.*

67. For the purpose of raising the means for carrying into effect all or any of the powers hereby given to the Council of any borough, and for the payment of all salaries, and the defraying of all expenses hereby required to be borne by any borough, the Council shall have power, so often as shall be deemed necessary, to make and levy, in manner hereinafter provided, an equitable rate or assessment in the nature of a borough rate in England, upon all real property within the limits of the borough, other than the property of the Crown, or of any of the aboriginal inhabitants of the colony. Borough rate.

68. The rate shall be paid by the occupier of such property, or in case there shall be no occupier, then by the owner thereof. By whom to be paid.

69. For such purpose the Council shall, as often as may be deemed necessary, cause a valuation to be made of all the rateable property within the borough, and shall cause the same to be published in one of the newspapers of the borough. Valuation.

70. The Council shall, as often as need may be, make an estimate of the amount of money required, and shall assess the borough rate accordingly, and shall give public notice thereof in like manner. Assessment.

71. At any time within one calendar month from and exclusive of the day of the date of such notice, it shall be lawful for any person who shall think himself aggrieved by any such rate to appeal against the same to any two or more justices of the peace having jurisdiction within the borough, who are hereby authorized to hear and determine such appeal; provided that two clear days' notice in writing of every such appeal shall be given to the town clerk of the borough, specifying the time and place for the hearing thereof. Appeal.

72. At the expiration of the period allowed for appeal, the Council shall appoint fit persons to collect the rate due, which shall, on non-payment thereof, be recoverable at the suit of any such collector by summary proceeding before any justice of the peace having jurisdiction within the borough, and leviable by distress and sale. Collection of rates.

73. In case it shall be impossible to levy the rate due by reason of the property rateable being unoccupied or otherwise, the arrears shall at any subsequent time be leviable upon any goods which may be found upon such property. Arrears.

74. The Council shall once in every year publish in one of the newspapers of the borough a statement of every sum so in arrear, and of the property in respect of which the same is due. To be published.

75. All monies raised by any borough rate, all fines and fees payable under the authority of this Ordinance, together with all sums which may be paid to the treasurer of the borough on account of the corporate body thereof, shall form a fund, to be called the "Borough Fund," out of which shall be paid all costs and expenses, for the defraying whereof a borough rate is hereby authorized to be levied, but for no other costs or expenses whatsoever. Borough fund.

76. It shall be lawful for the Council to impose such tolls or dues as may be reasonable upon all persons making use of any road, bridge, market-place, dock, basin, wharf, lock, quay, pier or landing-place, which the Council is hereby empowered to make and maintain; and in case of the non-payment of such tolls and dues, to levy the same by distress and sale. To levy tolls, &c.

77. For the purpose of executing and maintaining any of the works last mentioned, it shall be lawful for the Council to borrow such sums of money as may be requisite, upon the security of the tolls or dues to be taken in respect of such work. May borrow money.

78. The tolls or dues to be taken in respect of any one of the works aforesaid shall be applied primarily in defraying the expenses thereof, and in repayment of the monies borrowed for the execution or maintenance of the same; and the net residue thereof shall form a part of the borough fund. Application of tolls, &c.

79. The treasurer of every borough shall, in books to be kept by him for that purpose, enter true accounts of all sums of money by him received and paid, and of the several matters in respect whereof such sums shall have been received and paid; all such accounts, with all vouchers and papers relating thereto, together with a full abstract or balance sheet thereof, shall yearly, at such time as the Council may appoint, be submitted by him to the auditors and to such members of the Council as the mayor shall name, for the purpose of being examined and audited. Such abstract or balance-sheet, if found correct, shall be signed by the auditors, and shall be forthwith published by the treasurer in one of the newspapers of the borough. Yearly audit.

80. And whereas it is expedient to give all persons interested in the borough fund of every borough a more direct or easy remedy for any unlawful application of such fund; Be it therefore enacted, That any order of the Council of any borough for payment of any sum of money from or out of the borough fund of any borough, may be removed into the Supreme Court by a writ of certiorari; and such order may be disallowed or confirmed upon motion and hearing, with costs, according to the judgment and discretion of the said court. Balance-sheet to be published.

81. All penalties imposed by this Ordinance, or by any bye-laws to be made under the authority thereof, shall be recoverable within three calendar months after the same shall have become payable, or after the commission of the offence, by summary proceedings before any justice of the peace having jurisdiction within the borough, and be levied by distress and sale. Remedy for misapplication of borough fund.

Witnesses.

H. M. dockyard, &c.
excepted.Commencement of
Ordinance.

82. No person shall be deemed an incompetent witness upon any such summary proceeding, by reason of his being liable to contribute to any borough rate.

83. Provided always, That no dockyard, victualling establishment, arsenal or barracks belonging to Her Majesty, which shall be situated within the limits of any borough, shall be deemed to be part of such borough for any of the purposes of this Ordinance.

84. This Ordinance shall not come into operation until it shall have received the Royal confirmation, and the notification of such confirmation shall have been made in the Government Gazette by order of his Excellency the Governor of New Zealand for the time being.

(signed) *Robert Fitz Roy*, Governor.

Passed the Legislative Council this 9th day of July, A.D. 1844.

J. Coates, Clerk of Councils.

FORM OF CLAIM.

To Mr. A. B.

I hereby give you notice, that I claim to have my name put upon the burgess roll for the borough of _____ Dated the _____ day of _____ in the year _____

C. D.

{Place of abode and
business of Claimant.

DISTILLATION REPEAL ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 13.)

ANALYSIS.

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| Title. | And repealed. |
| 1. Preamble. Ordinance prohibiting distillation, recited ; | 2. No compensation allowed of Ordinance repealed. |
| | 3. Commencement of Ordinance. |

Title.

AN ORDINANCE to repeal an Ordinance for prohibiting the Distillation of Spirits within the Colony of New Zealand.—(Passed the 11th day of July 1844.)

Preamble.
Ordinance for prohibiting distillation recited.

1. WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, (Session 1, No. 1,) intituled, "An Ordinance for prohibiting the Distillation of Spirits within the Colony of New Zealand," all distillation of spirits from grain, sugar, molasses, fruits, or any other materials whatsoever, and all rectifying and compounding thereof, within the colony of New Zealand and its dependencies, were prohibited, and divers provisions were made for the purpose of enforcing the aforesaid enactment, and it is expedient to repeal the said Ordinance; Be it enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, that the said recited Ordinance shall be repealed.

Ordinance repealed.

No compensation allowed if Ordinance repealed.

2. Provided always, and be it enacted, That no person who shall enter into or carry on the business of a distiller, shall be entitled to any compensation for any loss that he may sustain by reason of this Ordinance being disallowed by Her Majesty, or being at any time repealed by the Legislative Council of the colony, or by any law that may be enacted for the prevention of distillation within the colony.

Commencement of
Ordinance.

3. This Ordinance shall not come into operation until it shall have received the Royal confirmation, and the notification of such confirmation shall have been made in the Government Gazette, by order of his Excellency the Governor of New Zealand for the time being.

(signed) *Robert Fitz Roy*, Governor.

Passed the Legislative Council, this 11th day of July, A.D. 1844.

(signed) *J. Coates*, Clerk of Councils.

CATTLE TRESPASS AMENDMENT ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 14.)

ANALYSIS.

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| Title. | 1. Extended to case of cattle trespassing on land, whether fenced or not. |
| Preamble reciting Clause 2 of Cattle Trespass Ordinance. | 2. Interpretation Clause. |
| | 3. Commencement. |

Title.

AN ORDINANCE to amend an Ordinance to provide for the Summary Recovery of Compensation for Damages done by Cattle Trespassing.—(Passed the 11th day of July 1844.)

Preamble reciting
Clause 2 of Cattle
Trespass Ordinance.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, Session 2, No. 16, intituled, "An Ordinance to

to provide for the Summary Recovery of Compensation for Damages done by Cattle Trespassing," it is enacted, that "whenever any cattle shall trespass upon the land of any person which shall be substantially fenced, and shall do any damage thereon, it shall be lawful for the police magistrate of the district, or for any two justices of the peace having jurisdiction therein, upon application of the person suffering such damage, to hear and determine the case in a summary way; and on being satisfied by the oath of a credible witness as to the amount of such damage, to award to the party sustaining the same any such sum not exceeding 20*l.* by way of compensation for the same."

1. And whereas it is expedient to extend the provisions of the said Ordinance to the case of cattle found trespassing upon any land, whether the same shall be substantially fenced or not; Be it therefore enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—Whenever any cattle shall trespass upon the land of any person, and shall do any damage thereon, it shall be lawful for the police magistrate of the district, or for any two justices of the peace having jurisdiction therein, upon application of the person suffering such damage, to hear and determine the case in a summary way, and on being satisfied by the oath or solemn affirmation, as the case may require, of two witnesses competent from practical knowledge or otherwise to estimate the same, as to the amount of such damage, to award to the party sustaining the same any sum not exceeding 20*l.*, by way of compensation for the same.

Extended to case of cattle trespassing on land, whether fenced or not.

2. For the purpose of this Ordinance and of the said recited Ordinance, the word "cattle" shall be taken to include horned or neat cattle, horses, mules, asses, sheep, goats and swine.

Interpretation Clause.

3. This Ordinance shall come into operation on the 1st day of October 1844.

Commencement.

(signed) *Robert FitzRoy*, Governor.

Passed the Legislative Council this 11th day of July, A.D. 1844.

(signed) *J. Coates*, Clerk of Councils.

SUMMARY PROCEEDINGS AMENDMENT ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 15.)

ANALYSIS.

Title.

Preamble reciting Summary Proceedings Ordinance (Session 2, No. 5), and Ordinance No. 8. Session 3.

1. Appeal from summary conviction to be to the Supreme Court.

AN ORDINANCE to amend an Ordinance to regulate Summary Proceedings before Justices of the Peace.—(Passed the 16th day of July 1844.)

Title.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, Session 2, No. 5, intituled, "An Ordinance to regulate Summary Proceedings before Justices of the Peace," it is enacted, that, in certain cases of summary conviction in the said Ordinance mentioned, it shall be lawful for the parties convicted to appeal to the County Court of the district in which the cause of complaint shall have arisen: And whereas by an Ordinance passed in this present Session of the Legislative Council (Session 3, No. 8), intituled, "An Ordinance to establish Courts of Requests for the more easy and speedy Recovery of Small Debts," it is enacted, that from and after the 1st day of October 1844, the Ordinance for establishing County Courts (Session 2, No. 2), shall be repealed; Be it therefore enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:

Preamble reciting Summary Proceedings Ordinance (Session 2, No. 5.)

and Ordinance Session 3, No. 8.

1. In cases of summary conviction, whenever it is lawful under the said Summary Proceedings Ordinance for parties convicted to appeal to the county or district court, it shall, from and after the 1st day of September 1844, be lawful for such parties to appeal to the Supreme Court, subject to all such regulations and provisions as are in the said Summary Proceedings Ordinance contained.

Appeal from summary conviction to be to the Supreme Court.

(signed) *Robert FitzRoy*, Governor.

Passed the Legislative Council, this 16th day of July, A.D. 1844.

(signed) *J. Coates*, Clerk of Councils.

UNSWORN TESTIMONY ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 16.)

ANALYSIS.

Title.

Preamble, reciting 6 Victoria, chap. 22.

1. Certain persons may give evidence on affirmation.

2. Who to be deemed of the aboriginal race.

3. Persons giving false evidence to be deemed guilty of a misdemeanor.

Title.

AN ORDINANCE for the Admission in certain cases of Unsworn Testimony, in Civil and Criminal Proceedings.—(Passed the 16th day of July 1844.)

Preamble reciting
6 Vict., c. 22.

WHEREAS by an Act of Parliament passed in the sixth year of the reign of Her Majesty Queen Victoria, chap. 22, intituled, "An Act to authorize the Legislatures of certain of Her Majesty's Colonies to pass Laws for the admission in certain cases of Unsworn Testimony in Civil and Criminal Proceedings," power is given to the legislatures of Her Majesty's colonies to pass laws for the admission of the evidence of persons of the native races of such colonies who, by reason of defect of religious knowledge and belief, would not otherwise be competent to give evidence in any court of justice: And whereas it is expedient to carry into effect in this colony the intention of the said Act; Be it therefore enacted, by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Certain persons may
give evidence on affirm-
ation.

1. Any person of the aboriginal native race of the Islands of New Zealand, or of countries adjacent thereto, who, by reason of defect of religious knowledge and belief, would be by law incompetent to give evidence in any court, shall be permitted to give evidence in any proceeding, civil or criminal, before any justice of the peace, or before a jury, upon making an affirmation that he will speak the truth, the whole truth, and nothing but the truth, and the evidence so given shall have the weight to which such justice of the peace or such jury may deem it to be entitled.

Who to be deemed of
the aboriginal race.

2. All persons of whose parents one only shall be of the aboriginal race, shall be deemed and taken to be of the aboriginal race within the provisions of this Ordinance.

Persons giving false
evidence to be deemed
guilty of a misdemeanor.

3. If any person so making affirmation as aforesaid shall wilfully give false evidence, he shall be deemed guilty of a misdemeanour.

Robert Fitz Roy, Governor.

Passed the Legislative Council, this 16th day of July, A.D. 1844.

J. Coates, Clerk of Councils.

HARBOUR REGULATIONS, AMENDMENT ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 17.)

ANALYSIS.

Title.

Preamble.

1. Regulations to be made by the Governor in Council, to be submitted to Her Majesty for confirmation.

2. Regulations already made to be submitted for Her Majesty's confirmation.

Title.

AN ORDINANCE to amend an Ordinance to provide for the Regulation of Harbours.—(Passed the 16th day of July 1844.)

Preamble.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, Session 2, No. 15, intituled, "An Ordinance to provide for the Regulation of Harbours," power is given to the Governor in Council to make regulations for the purposes in the said Ordinance mentioned: And whereas it is desirable that all regulations so made be submitted to Her Majesty for the Royal confirmation; Be it therefore enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Regulations to be made
by Governor in Council
to be submitted to Her
Majesty for confirm-
ation.

1. No such regulation as aforesaid to be hereafter made, under the authority of the said Ordinance, shall continue in force for any period exceeding two years from the making thereof, unless in the meantime the same shall have received the Royal confirmation, and such confirmation shall have been notified in the New Zealand Government Gazette.

Regulations already
made also to be sub-
mitted to Her Majesty
for confirmation.

2. No such regulations as aforesaid, as have been already made under the authority aforesaid, shall continue in force for any period exceeding two years from the passing hereof, unless the same shall in the meantime have received the Royal confirmation, and such confirmation shall have been so notified as aforesaid.

Robert Fitz Roy, Governor.

Passed the Legislative Council this 16th day of July, A.D. 1844.

J. Coates, Clerk of Councils.

NATIVE EXEMPTION ORDINANCE.

In the Eighth year of the reign of Her present Majesty Queen Victoria.—Session 3. (No. 18.)

ANALYSIS.

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Mode of procedure in cases of crimes committed by the natives inter se. 2. By natives against others. 3. Protector to direct warrant to two principal chiefs. 4. Allowance to chiefs for causing apprehension of offender. 5. Amount of allowance to be stated on warrant. 6. Party accused to be allowed to go at large until trial, on making deposit. | <ol style="list-style-type: none"> 7. Amount of deposit. 8. Deposit to be forfeited on his non-appearance. 9. If convicted of theft, &c., may pay four times the value of property stolen in lieu of other punishment. 10. Jury to find value of property stolen. 11. Value of property stolen may in certain cases be awarded to prosecutor. 12. People of native race not to be liable to imprisonment for debt, &c. <p>Schedule.</p> |
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An ORDINANCE to exempt in certain cases Aboriginal Native Population of the Colony from the ordinary Process and Operation of the Law.—(Passed the 16th day of July 1844. Title.

WHEREAS it is greatly to be desired that the whole aboriginal native population of these islands, in their relations and dealings amongst themselves, be brought to yield a ready obedience to the laws and customs of England: And whereas this end may more speedily and peaceably be attained by the gradual than by the immediate and indiscriminate enforcement of the said laws, so that in course of time, the force of ancient usages being weakened, and the nature and administration of our laws being understood, the native population may in all cases seek and willingly submit to the application of the same; Be it therefore enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows: Preamble.

1. Where any crime or offence shall be committed or alleged to be committed by any person of the aboriginal race against any other person of the same race, no police magistrate or other justice of the peace, or any other person, shall, except under the special authority in writing of the Governor or of the superintendent of the southern division for the time being, issue any warrant or take any other proceeding whatsoever against the alleged offender, until an information charging such offence shall have been duly made by two principal chiefs of the tribe to which the injured party may belong; and in case any warrant may be issued for the apprehension of any such alleged offender, such warrant shall be directed for execution to two principal chiefs of the tribe laying such information, or (where the alleged offender shall belong to a different tribe) then to two principal chiefs of the tribe to which such alleged offender shall belong; and no further proceedings shall be taken in the case, unless the alleged offender shall be brought up for examination by or by the authority of the chiefs to whom such warrant shall have been directed. Mode of procedure in cases of crimes committed by the natives inter se.

2. And to the end that in cases where any crime or offence shall be committed by any person of the aboriginal race against the person or property of any other person not belonging to the said race, the law may be enforced against any such offender with the least possible risk of interrupting the peace of the community; Be it enacted, That where the person to be apprehended by virtue of any warrant of any police magistrate or other justice of the peace shall be beyond the limits of any town, such warrant shall, except where the ordinary course of proceeding shall be sanctioned by such special authority as aforesaid, be directed in blank to two of the principal chiefs of the tribe to which such person shall belong, and shall be forwarded by such police magistrate or other justice of the peace to the chief protector of aborigines or protector of the district, as the case may be. By natives against others.

3. Such protector shall fill up the blank left in the warrant with the names of such two of the said principal chiefs as to him may seem meet, and shall countersign the said warrant, and shall indorse thereon a translation thereof into the native language, signed by such protector, and shall forthwith cause the same to be conveyed to the chiefs to whom it shall be directed. Protector to direct warrant to two principal chiefs.

4. For every chief who, in compliance with any such warrant as aforesaid, shall have caused any offender to be apprehended and brought before the police magistrate of the district, there shall be allowed, as a compensation for his trouble in so doing, a sum of money according to the scale in the Schedule thereunto annexed. Allowance to chiefs for causing apprehension of offenders.

5. At the foot of the translation so to be indorsed on the warrant as aforesaid, there shall be added by such protector as aforesaid a note, stating that the chiefs to whom the warrant shall be directed will on complying therewith receive compensation, and stating the amount of compensation according to the aforesaid scale. Amount of allowance to be stated on warrant.

6. And whereas difficulties are found to arise in the administration of the criminal law among the aboriginal population of the colony, by reason of our mode of enforcing the same being in some cases greatly repugnant to the natural habits of the said population, and the objects of the criminal law may more easily and more generally be attained by certain modifications for the present in the mode of procedure and nature of the punishment now by law prescribed; Be it enacted, That where any person of the aboriginal race shall be charged

charged with any crime or offence other than the crimes of rape or murder, and where such person would otherwise have been committed to take his trial, every such person shall be allowed to go at large on making or procuring to be made a deposit, in manner and to the amount hereinafter mentioned, as a security, to be forfeited in case of his non-appearance to take his trial at the time and place then named for that purpose.

Amount of deposit.

7. The sum to be deposited shall, in charges of theft or receiving stolen goods, not exceed four times the value of the goods alleged to have been stolen or received, provided that in the case of either of the charges aforesaid, or of any other charge whatsoever where a deposit may be allowed, the sum deposited shall not exceed 20*l*.

Deposit to be forfeited on his non-appearance.

8. Where any person by whom or on whose behalf any deposit shall have been so made, shall have failed to appear at the time and place fixed for his trial, the court shall name a day for the person or persons by whom the deposit shall have been made to show cause why the same should not become forfeited. If sufficient cause shall not be shown accordingly, the deposit shall be declared to be forfeited; and where the charge shall be of theft or of receiving stolen goods, and it shall appear that restitution of the goods charged to have been so stolen or received as aforesaid has not been or cannot be made, the court shall have power, upon application then made by the owner of such goods or his representatives, to award to such owner or representatives such part of the forfeited deposit as shall be equal to the sworn value of such goods. The deposit, or, in either of the cases last mentioned, the residue thereof, shall be duly accounted for and paid over to the Colonial Treasurer, or treasurer of the county or district, for the use of Her Majesty, Her heirs and successors, for the public uses of the colony and the support of the government thereof.

If convicted of theft, &c., may pay four times the value of property stolen, in lieu of other punishment.

9. And be it further enacted, That in case any person of the aboriginal race shall be convicted upon any charge of theft or of receiving stolen goods, either by the verdict of a jury or in the case of theft in a summary way before any police magistrate, every such person may, after such conviction and at any time before sentence passed, pay into the court four times the value of the goods so stolen or received as aforesaid; such payment being made, no sentence shall be passed, but the person so convicted shall be discharged from custody, and shall be in the same condition in all respects as if he had received sentence and undergone his punishment in the ordinary course of law.

Jury to find value of property stolen.

10. In every case where any such person as aforesaid shall be convicted by the verdict of a jury, the jury shall at the same time find the value of the property or goods so stolen or received as aforesaid.

Value of property stolen may in certain cases be awarded to prosecutor.

11. Where any such payment as last mentioned shall have been made, the same shall be applied and dealt with by the court in the manner hereinbefore provided in the case of a forfeited deposit.

People of the native race not to be liable to imprisonment for debt, &c.

12. And whereas while the aboriginal people remain ignorant of the operation of the law in civil cases, they cannot justly or safely be subjected to the more severe penalties thereof; Be it further enacted, That no person of the aboriginal race shall be subject to imprisonment by virtue of any judgment obtained against him in any action or civil proceeding in any court.

(signed) *Robert FitzRoy*, Governor.

Passed the Legislative Council this 16th day of July 1844.

(signed) *J. Coates*, Clerk of Councils.

SCHEDULE.

SCALE OF ALLOWANCE.

Where the chief to whom any warrant shall be directed shall reside within } £. s. d.
50 miles, measured in a straight line from the Police-office of the district, the } 2 - -
sum of - - - - - }
Where he shall reside at any greater distance, the above sum of 2*l*., and 1*s*. per mile for every additional mile above 50.

DOG NUISANCE ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 19.)

ANALYSIS.

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| Title. | 4. A note of the description of all dogs seized to be kept. |
| Preamble. | 5. Fines to be paid over by constable to police magistrate. |
| 1. Dogs found at large without their owner or keeper may be seized. | 6. And by him paid over to treasurer. |
| 2. And kept a night and a day, and, if claimed, delivered to owner on payment of fine. | 7. Explanatory. |
| 3. If not claimed, to be destroyed. | |

Title.

AN ORDINANCE to provide a summary Mode of abating the Nuisance of Dogs wandering at large in Towns.—(Passed the 17th day of July 1844.)

Preamble.

WHEREAS the number of dogs found wandering at large within or about the various towns of New Zealand is so great as to be a public nuisance, and it is expedient to provide a summary

a summary mode of abating the same; Be it therefore enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. All dogs found wandering at large without their owner or keeper, in or about any town in New Zealand, may be seized by any constable lawfully acting in or about any such town. Dogs found at large without their owner or keeper may be seized.
2. All dogs so seized shall be kept exposed to view in some public place to be appropriated for that purpose, and situated within such town, and shall be so kept, if not claimed, or the space of at least one night and one whole day; if within the said night and day any person shall claim any such dog, the constable, upon being satisfied that the person so claiming the dog is the true owner, or the agent of the true owner thereof, shall deliver such dog to the person so claiming the same, upon payment of the sum of 5s.: Provided always, that if such dog shall have a collar, with the name of the owner legibly engraved thereon, the same shall be restored to the person claiming the same, on payment of the sum of 2s. 6d. And kept for a night and a day, and if claimed, delivered to owner on payment of fine.
3. If within the said night and day no such claim and payment as aforesaid shall have been made in respect of any dog so kept as aforesaid, the person having the custody of such dog shall forthwith destroy the same by hanging. If not claimed, to be destroyed.
4. Where any dog shall be so seized as aforesaid, the constable seizing the same shall make and keep a note in writing in a book, of the description of the dog so seized, and of the time of the seizure thereof, and whether the dog shall have been so delivered up or destroyed as aforesaid; a copy of which note shall, as soon as conveniently may be after the dog shall have been disposed of in manner hereinbefore mentioned, be delivered by the constable making the same to the office of the police magistrate of the district. A note of the description, &c., of all dogs seized to be kept.
5. All monies received by any constable in respect of any dog seized under the authority hereof, after deducting therefrom the sum of sixpence for the keep of every dog so seized within the week preceding, together with the sum of 2s. in respect of such dog so delivered to the owner thereof as aforesaid, as a compensation for the trouble of such constable in respect thereof, shall be accounted for and paid over weekly to the police magistrate of the district. Fines to be paid over by constable to police magistrate.
6. All monies received by any police magistrate under the authority of this Ordinance, shall be accounted for and paid over monthly to the Colonial Treasurer, or treasurer of the county or district, (as the case may be), to the use of Her Majesty, Her heirs and successors, for the public uses of the colony, and the support of the Government thereof. And by him paid over to treasurer.
7. The keeper of any dog shall be held to be the person in whose care such dog may temporarily be, whether loose or confined; and the agent of any owner of a dog shall be understood to be any person authorized by the said owner or keeper to apply for the release of his dog. Explanatory.

(signed) *Robert FitzRoy*, Governor.

Passed the Legislative Council this 17th day of July, A.D. 1844.

(signed) *J. Coates*, Clerk of Councils.

LAND CLAIMANTS' ESTATES ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 20.)

ANALYSIS.

Title.
Preamble.

1. Legal estate to be deemed to be in claimant before date of Crown grant.

AN ORDINANCE to remove Doubts respecting the Legal Estate in Lands granted to Land Claimants.—(Passed the 17th day of July 1844.)

WHEREAS by the "Land Claims' Ordinance," Session 1, No. 2, it is declared and enacted, that all titles to land in the colony of New Zealand so held or claimed, as in the said Ordinance mentioned, which were not or might not be allowed by Her Majesty, Her heirs and successors, were and the same should be absolutely null and void: And whereas claims to grants of land have been or may be confirmed by Grants from the Crown under the provisions of the said Ordinance, and doubts have arisen as to the nature of the estate or interest of the claimants in the lands comprised in any such grant in the interval between the date of the purchase by any such grantee, and the date of the Crown grant to him: And whereas, for the purpose of preventing serious injury and inconvenience to persons who have dealt during the aforesaid interval with such claimants in respect of the lands so claimed

claimed by them, it is expedient that the legal estate in all lands so granted as aforesaid shall be deemed to have been in such grantee from the date of the purchase by him as aforesaid; Be it therefore enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:

Legal Estate to be deemed to be in claimant before date of Crown grant.

1. In all cases where any claim to land hath been or may be confirmed by a grant from the Crown under the provisions of the said recited Ordinance, the legal estate in the land comprised in such grant shall be deemed to have been in the grantee thereof, from the date of the purchase by him of such land as aforesaid.

(signed) *Robert FitzRoy*, Governor.

Passed the Legislative Council this 17th day of July, A. D. 1844.

(signed) *J. Coates*, Clerk of Councils.

LICENSING AMENDMENT ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 21.)

ANALYSIS.

Title.	1. Time for granting such licenses limited.
Preamble, reciting Licensing Ordinance, Session 2, No. 12.	2. Houses in the interior, how to be licensed.
	3. Ordinance, Session 2, No. 12, applicable to Females.

Title. AN ORDINANCE to amend an Ordinance for regulating the Sale of Fermented and Spirituous Liquors.—(Passed the 17th day of July 1844.)

Preamble, reciting Licensing Ordinance, Session 2, No. 12.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, Session 2, No. 12, intituled, "An Ordinance for regulating the Sale of Fermented and Spirituous Liquors," it is enacted, that in case of the formation of new settlements, it shall be lawful for any two justices of the peace for the district, the police-magistrate being one, to grant licenses otherwise than at the time and in the manner in the said Ordinance provided.

Time for granting such licenses limited.

1. Be it further enacted by His Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, that such licenses shall not be granted at any time beyond the expiration of two years after the arrival of the first police-magistrate appointed to reside at such new settlement.

Houses in the interior, how to be licensed.

2. And whereas the establishment of licensed houses in the interior of the country, as well as on the sea-coast, would promote the convenience of the public, and would greatly facilitate communication between the various settlements; and as the terms and conditions on which the same should be licensed may best be determined by the Governor in Council; Be it also enacted, That notwithstanding any thing in the said recited Ordinance contained, it shall be lawful for His Excellency the Governor, with the advice of the Executive Council, to license any house for the purpose of the said Ordinance mentioned, at such times and in such manner, upon such terms and conditions, and either with or without any annual payment, as to the Governor in Council may seem meet: Provided that no house to be licensed under the authority of this Ordinance shall be within three miles from the nearest limit of any town.

Ordinance Session 2, No. 12, applicable to females.

3. And be it further enacted and declared, That nothing in the said recited Ordinance contained, shall be held to prevent a woman from holding a license under the authority hereof.

(signed) *Robert FitzRoy*, Governor.

Passed the Legislative Council this 17th day of July, A. D. 1844.

(signed) *J. Coates*, Clerk of Councils.

PRIVATE

PRIVATE ORDINANCES.

UNION BANK OF AUSTRALIA.

In the Eighth year of the reign of Her Majesty Queen Victoria.—Session. 3. (No. 1.)

ANALYSIS.

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Company to sue and be sued in the name of the local manager, or one of the local directors. 2. Right and liability of members of the company to sue and be sued by the company. 3. Member of company not allowed to set off his pecuniary interest in its stock against any demand of the company. 4. Bonds and other securities may be put in suit, &c., in the name of the manager, or one of the local directors for the time being, though not named in such security. 5. Any member of company guilty of larceny, embezzlement, &c., of its property, liable to the same consequences as if he was not such member. 6. Actions and other legal proceedings not to abate or be prejudiced by the death, resignation or removal of the nominal plaintiff or defendant. 7. Memorial of the name of the local manager and directors to be verified and recorded, and no legal proceedings to be taken by the complainant until that has been done. | <ol style="list-style-type: none"> 8. Plaintiff not to be nonsuited for want of proof of the memorial. 9. List of members to be verified and recorded. 10. Liability of members to be sued as such, when to cease; Members of the company to be competent witnesses. 11. Copy of deed, attested by manager, to be recorded. 12. Judgment, decree or order against the manager or directors to be enforced against the assets of the company, or against the private assets of the shareholders. 13. Company may make contracts and conveyances in the name of the local manager. 14. Ordinance to extend to all future proprietors. 15. Ordinance not to affect the right of Her Majesty. 16. Not to incorporate the members of the company. 17. Notarial copy of deed of co-partnership to be received as legal evidence in any court of law or equity, &c. 18. Promissory notes to be payable in sterling money, or other legal tender. 19. Evidence clause. 20. Ordinance to be deemed a Public Ordinance. 21. Ordinance to come into operation on 1st January 1845. |
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AN ORDINANCE for facilitating Proceedings by and against a certain Joint Stock Company called "The Union Bank of Australia," and for other purposes therein mentioned.—
(Passed the 11th day of July 1844.)

WHEREAS a joint stock company was long since formed in London, under the style or firm of the "Union Bank of Australia," for the purpose of carrying on the business of banking in its various branches in the Australian colonies, and one branch of that bank has been established at Wellington and another at Port Nelson, and other branches are about to be established in this colony; and the affairs of this company in New Zealand are superintended and managed at the said branch banks by certain persons resident in this colony called directors, such persons being respectively shareholders of and in the capital or joint stock of the said company:

And whereas, for enabling the said company the more readily to enforce payment of monies that may become due to them from time to time, and to prosecute persons for offences against the said company or their property, and also for providing a more easy remedy against the said company in the cases hereinafter mentioned, it is expedient that the said company should be able to sue by and be liable to be sued in the name of a public officer of the said company in place and stead of the whole, and to use the name of such public officer as hereinafter mentioned.

1. Be it therefore enacted by his Excellency the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, That actions or suits against any person or persons indebted to the said joint stock company, and all other proceedings at law or in equity, and in any courts of admiralty or vice-admiralty, and in any courts having jurisdiction in matters of bankruptcy or insolvency, and in all courts of inferior jurisdiction, to be instituted or prosecuted by or on behalf of the said joint stock company, or wherein the said company is or shall be in any way concerned against any person or persons, body or bodies politic or corporate, may be lawfully instituted and prosecuted in the name of the manager for the time being of the said branch or branches of the said company, and in the event of his death or absence from the said colony, in the name or names of any of the board of directors in Wellington or Port Nelson, or elsewhere in the said colony, at the time any such action, suit or other proceeding shall be instituted as the nominal plaintiff, complainant or petitioner for and on behalf of the said company, and that all actions, suits and other proceedings at law or in equity, admiralty, vice-admiralty, and in all courts of inferior jurisdiction to be commenced, instituted and prosecuted against the said company, may be instituted and prosecuted against the said manager, or one of the said directors for the time being of the said board of directors as the nominal defendant for and on behalf of the said company, or against the said banking company, according to the ordinary course of law, as the person by whom such proceedings may be commenced shall think fit; and that in all indictments, informations and prosecutions to be had, preferred, instituted or carried on by or on behalf of the said company for fraud upon or against the said company, or for embezzlement, forgery, robbery or stealing, or other offence committed

mitted against the said company or the property thereof, or any felony or misdemeanor in which the said company shall be concerned, it shall be lawful to state the property of the said company to be the property of such manager or director for the time being of the said board of direction; and any offence committed with intent to injure or defraud the said company shall and lawfully may, in such indictments, informations, prosecutions or proceedings, be stated or laid to have been committed with intent to injure or defraud such manager or director for the time being of the said company; and any offender or offenders may therefore be lawfully convicted of any such offence; and generally, that in all cases wherein it would otherwise have been necessary to mention the names of the members composing the said company, it shall be sufficient to use the name of such manager or director for the time being of the board of direction.

Right and liability of members of the company to sue and be sued by the company.

2. And be it enacted, That it shall and may be lawful for the said company to commence and prosecute by and in the name of such manager or director as aforesaid any action, suit or other proceeding at law or in equity, or in any court of admiralty or vice-admiralty, or in any court having jurisdiction in matters of bankruptcy or insolvency, and in all courts of inferior jurisdiction, against any person then being or having been, or who thereafter may be or have been a member of the said company, either alone or jointly with any other person against whom the said company has or may have any demand whatsoever, and that any person then being or having been, or who may thereafter be or have been a member of the said company, may, in respect of any demand which such person may have either solely or jointly with any other person, as the case may require, any action, suit or other proceeding in any court of law, equity, admiralty, vice-admiralty, bankruptcy, insolvency and in all courts of inferior jurisdiction against the said company, by and in the name of such manager or director, and that every person then or thereafter being or having been a member of the said company, shall either solely or jointly with any other person, as the case may require, be capable of proceeding against the said company by such manager or director, and be liable to be proceeded against by the said company by the said manager or director, by such proceedings and with the same legal consequences as if such person had not been a member of the said company; and that no action or suit, or other proceeding, shall be in anywise affected or defeated by reason of the plaintiffs or defendants, or any of them respectively, or any other person in whom any interest may be averred, or who may be in anywise interested or concerned in any such action or suit, or other proceeding, being or having been a member of the said company; and that all such actions, suits and other proceedings shall be conducted and have the same effect as if the same had been between strangers.

Member of company not allowed to set off his pecuniary interest in its stock against any demand of the company.

3. And be it enacted, That no claim or demand which any member of the said company may have in respect of his share in the capital or joint stock thereof, or of any dividends, interest, profit or bonus payable or apportionable in respect of such share, shall be capable of being set off either at law or equity against any demands which the said company may have against such member, on account of any other matter or thing whatsoever; but all proceedings in respect of any such other matter or thing may be carried on as if no claim or demand existed in respect of such capital or joint stock, or of any dividends, interest, property, bonus, payable or apportionable in respect thereof.

Bonds and other securities may be put in suit, &c., in the name of the manager or one of the directors for the time being, though not named in such security.

4. And be it enacted, That all bonds, mortgages, warrants of attorney, and other securities, not being assignable in law, and all contracts and agreements, whether parol or under seal, which have heretofore been, or shall or may at any time hereafter be taken in the name of the manager, or one of the board of directors for the time being of the said branches respectively, for or on account of the said company, shall and may be put in suit and enforced, sued and prosecuted upon at law or in equity, in the name of the manager, or one of the board of directors for the time being of the said branches respectively, in whose name the same may have been or shall be taken or entered into, or in the name of any person who shall or may succeed to that office, and be the manager or director for the time being of the said branches respectively, at the time such proceeding or proceedings shall be instituted, carried on or continued, notwithstanding the name of any such succeeding manager or director be not inserted in any such bond, mortgage, warrant of attorney or other such security, or in any such contract or agreement as an obligee, mortgagee, assignee, payer of the sum or sums of money therein respectively mentioned or secured, and the death, resignation, removal or other act of any manager or director for the time being of the said branches respectively, in whose name any such bond, mortgage, warrant of attorney, or other such security as aforesaid, or any such contract or agreement, shall be so put in suit, shall not abate any action, suit or other proceeding had thereon; but the same may be continued and carried on where it left off, in the name of any person who may be or become the manager or director for the time being of the said branches respectively; and the legal estate in all lands, tenements, and all property, real and personal, belonging or mortgaged to the said company, for all legal rights and capacities, in respect of the said company, shall and may become vested in the succeeding manager or director, for the time being, of the said branches respectively, immediately upon the recording of the memorial, hereinafter required, of the name of such succeeding manager or director for the time being of the said branches respectively, in the said Supreme Court, and so on, toties quoties, whensoever any new appointment, election, substitution of a manager or director of the said branches respectively shall take place, and such memorial thereof shall be recorded as hereinafter mentioned.

Any member of company guilty of larceny, embezzlement, &c., of its property, liable to

5. And be it enacted, That if any person or persons being a member or members of the said company shall steal or embezzle any money, goods, effects, bills, notes, securities or other property of or belonging to the said company, or shall commit any fraud, forgery, crime

crime or offence against or with intent to injure or defraud the said company, such member or members shall be liable to information, indictment, prosecution or other proceeding for every such act of stealing and embezzlement, and for every such fraud, crime or offence, and may thereupon be lawfully convicted as if such person or persons had not been, or was or were not a member or members of the said company, any law, custom or usage to the contrary notwithstanding.

the same consequences as if he was not such member.

6. And be it enacted, That neither the death, resignation, nor removal of any such manager or director for the time being, shall abate or prejudice any such action, suit, indictment, information, prosecution or proceeding; but the same may be continued by or against the said company, in the name of the next or other succeeding manager or director for the time being of the said branch or branches of the said company: Provided always, That no second suit, action or other proceeding, shall be at any time commenced by or against any such manager or director for the same cause of action, where the merits shall have been tried and decided in the first suit or action.

Actions and other legal proceedings not to abate or be prejudiced by the death, resignation or removal of the nominal plaintiff or defendant.

7. And be it enacted, That a memorial of the name of the manager of the said branch or branches of the said company, and also of the directors for the time being of the board of direction, in the form or to the effect of the form set forth in the Schedule to this Ordinance annexed, signed by the said manager, and by each of the directors of the board, shall be verified by a declaration in the form or to the effect of the form set forth in the said Schedule, to be taken and subscribed by such manager as aforesaid, or by one of such directors as aforesaid, before a Judge or a Commissioner of the Supreme Court of New Zealand, or before any justice of the peace, and which declaration such Judge, Commissioner and justice are hereby empowered and required to administer; and the said memorial having been so verified, shall be recorded in the said Supreme Court, in the month of January 1845; and when and so often as any person shall be newly elected manager or director of the said board or boards of directors in New Zealand, a memorial of the name of such newly elected manager or director, in the same form or to the same effect as the hereinbefore-mentioned memorial, signed by such newly-elected manager or director, shall in like manner be verified and recorded in the said Supreme Court within 60 days next after such new manager or director shall be elected: Provided always, That until such memorial as hereinbefore first mentioned shall be recorded in the manner herein directed, no action, suit or other proceeding shall be instituted or prosecuted by the said company under the authority of this Ordinance.

Memorial of the name of the local manager and directors to be verified and recorded, and no legal proceedings to be taken by the complainant until that has been done.

8. And be it enacted, That in any action to be brought by any manager or director for the time being of the said branches respectively, by virtue of this Ordinance, the plaintiff therein shall not be nonsuited, nor shall a verdict be given against the plaintiff for want of proof of the record of such memorial or memorials as hereinbefore mentioned; nor shall the existence of such memorial be taken to be an issue, unless specially denied by any defendant in any such action; but in case the defendant in any such action shall specially deny on the record that any such memorial has been duly recorded as aforesaid, and shall make it appear on such trial that no such memorial has been so recorded, then a nonsuit shall be entered in such action.

Plaintiff not to be nonsuited for want of proof of the memorial.

9. And whereas, also, it is deemed expedient and necessary that the names, residences and descriptions of all the members of the said company should be recorded for public information; Be it enacted, That the manager for the time being shall, in the month of January 1845, and thereafter in the month of January in each succeeding year, cause a true list of all the then existing members of the said company, with their respective places of abode, and descriptions (as far as the same may be known to him), verified by a declaration in the form or to the effect of the form set forth in the second Schedule to this Ordinance annexed, to be taken and subscribed by such manager as aforesaid, or by one of such directors as aforesaid before a Judge or Commissioner of the Supreme Court of New Zealand, or any justice of the peace, and which declaration such Judge, Commissioner and justice of the peace are hereby respectively empowered and required to administer, to be recorded in the said Supreme Court, and that the same shall be open for inspection at all reasonable times by any person requiring the same, on payment of a fee of one shilling; and if any such manager of the said branch or branches of the said company shall fail to cause such list to be recorded in manner aforesaid, he shall be liable to a penalty of one hundred pounds, to be recovered by an action of debt in the said Supreme Court, by any person or persons who shall sue for the same.

List of members to be verified and recorded.

10. And be it enacted, That any person whose name shall be so recorded shall be considered a member of the said company, and be liable to be sued as such until a new list of members' names shall be recorded as aforesaid, or until he shall have given notice of his retirement in the New Zealand Government Gazette: Provided always, That such notice of retirement or omission in such list shall not absolve such persons from any previous liability: Provided also, That in all actions, suits, prosecutions, or other proceedings, in which such manager or director as aforesaid shall be, on behalf of the said company, and under and by virtue of this Ordinance, plaintiff, complainant, petitioner or defendant, it shall and may be lawful for such manager or director, or for any other director, or other officer of the said company, or for any member of the said company, to give evidence in such action, suit, petition, or other proceeding, notwithstanding the names of such manager or director shall be used as plaintiff, complainant, petitioner or defendant, and notwithstanding that such witness shall or may be interested in the result of such action, suit, petition or other proceeding.

Liability of members to be sued as such, when to cease. Members of the company to be competent witnesses.

11. And be it enacted, That a copy of the deed of co-partnership and settlement, attested by the manager for the time being, to be a true transcript of the original deed of co-partnership

Copy of deed, attested by manager, to be recorded.

ship and settlement of the said company, shall be recorded in the Supreme Court in each division of New Zealand, in the month of January 1845, and that the same shall be open for inspection at all reasonable times by any person requiring the same, on payment of a fee of 1s.; and if such manager shall fail so to record such attested copy of the original deed of co-partnership and settlement of the said company as aforesaid, he shall be liable to a penalty of 100*l.*, to be recovered by action of debt in the said Supreme Court by any person or persons who shall sue for the same.

Judgment, decree or order against the manager or director to be enforced against the assets of the company, or against the private assets of the shareholders.

12. And be it enacted, That every judgment, decree or order in any action, suit or other proceeding at law or in equity against any such manager or director for the time being, as aforesaid, shall have the same effect and operation upon the joint stock company and the separate property of every shareholder or proprietor thereof, as if every such shareholder or proprietor had been party to such action, suit or other proceeding, and such judgment, decree or order had been obtained against him or them jointly and severally, and may be enforced accordingly against such joint stock and property, or against the separate property of any proprietor or shareholder of the said company for the time being: Provided always, that every such proprietor or shareholder shall be reimbursed all such costs, damages and expenses as by any such event of any such suit, action or other proceeding he shall sustain and be made liable to out of the joint stock and funds of the said company, or in failure thereof, out of the separate funds and property of the other members of the said company, in due proportion as in ordinary cases of co-partnership: Provided, nevertheless, that the body of such manager or director shall not by reason of his being defendant in any such action, suit or proceeding, be liable to be arrested, seized or taken in execution.

Company may make contracts and conveyances in the name of the local manager.

13. And be it enacted, That all contracts, agreements, conveyances, leases, releases, mortgages, assignments, surrenders, covenants, receipts and other documents, made or to be made, given or granted by, to or on behalf of the said company, shall and may be made and executed and enforced by, or to or against, the manager for the time being of the New Zealand branch or branches of the said bank respectively, and the same shall be binding upon the said company and the capital stock thereof.

Ordinance to extend to all future proprietors.

14. And be it enacted, That this Ordinance, and the powers and provisions herein contained, shall at all times extend to the said company, and every person who shall be a member thereof for the time being, at whatever time he may have become a member of the said company, and whether originally a member thereof or not.

Ordinance not to affect the right of Her Majesty.

15. Provided always, and be it enacted, That nothing in this Ordinance contained shall be deemed to affect or apply to any right, title or interest of Her Majesty, Her heirs or successors, or of any body or bodies politic or corporate, or of any person or persons, excepting such as are mentioned therein, or of those claiming by, from or under him, her or them.

Not to incorporate the members of the company.

16. Provided always, and be it enacted, That nothing herein contained shall extend, or be deemed, taken or construed to incorporate the members of the said Company, or to relieve or discharge them, or any of them, from any responsibility, duty, contract or obligation whatsoever, which by law they now are or at any time hereafter shall be subject or liable to, either between the said company and others, or between the individual members of the said company, or any of them, and others, or among themselves, or in any manner whatsoever, except so far as the same is affected by the provisions of this Ordinance, and the true intent and meaning of the same.

Notarial copy of deed of co-partnership to be received as legal evidence in any court of law or equity, &c.

17. And be it enacted, That a copy of the deed of co-partnership and settlement of the said company, certified and attested under the hand and seal of some notary public to be a true transcript of the original deed of co-partnership and settlement of the said company, shall be received as legal evidence of the contents of such deed of co-partnership and settlement in all courts of law, equity, admiralty, vice-admiralty, bankruptcy or insolvency, and in all courts of inferior jurisdiction in the colony of New Zealand, without any further proof thereof.

Promissory notes to be payable in sterling money or other legal tender.

18. And be it enacted, That from and after the 31st day of December 1844, all promissory notes issued by the said company, payable to the bearer, at sight or on demand, shall bear date at the place where they are issued, and shall be paid and payable there in sterling money, or other legal tender of the colony.

Evidence clause.

19. And be it Enacted, That this Ordinance shall be printed by the Government printer in this colony, and a copy thereof, so printed, shall be admitted as evidence thereof by all judges, justices and others, without any further proof thereof.

Ordinance to be deemed a public Ordinance.

20. And be it enacted, That this Ordinance shall be deemed and taken to be a public Ordinance, and shall be judicially taken notice of as such by the Judges of the Supreme Court of New Zealand, and by all other judges, justices and others within the colony of New Zealand and its dependencies, without being specially pleaded.

Ordinance to come into operation 1st January 1845.

21. Be it enacted, That this Ordinance shall come into operation on the first day of January 1845.

Robert FitzRoy, Governor.

Passed the Legislative Council this eleventh day of July, A. D. 1844.

J. Coates, Clerk of Councils.

SCHEDULE referred to.

MEMORIAL of the name of the manager of the branch of the "Union Bank of Australia," established at _____ and of the Directors for the time being, of the Board of Directors of the said Branch, to be recorded in the Supreme Court of New Zealand, pursuant to an Ordinance of the Governor and Council, passed in the eighth year of Her

Her Majesty Queen Victoria, intituled, "An Ordinance for facilitating Proceedings by and against a certain Joint Stock Company, called 'The Union Bank of Australia,' and for other purposes therein mentioned."

C. D. } A. B., Manager. { I. K.
F. F. } Directors. { L. M.
G. H. } { N. O.
of in truly
declare, that the foregoing Memorial is signed by the above-named manager and directors respectively, whose names appear thereto.

Taken and subscribed this day of
184 , before

SECOND SCHEDULE referred to.

I, of in
manager (or one of the Board of Directors) of the branch of the "Union Bank of Australia," established at do hereby declare, that the foregoing (or "subscribed," or "annexed," as the case may be,) list of names, is a true list of all the now existing members of the said Company.

Taken and subscribed this day of
A. D. 184 , before me [insert the name and addition of the functionary] [Insert the name
before whom the declaration is taken and signed.] of the Declarant.]

NATURALIZATION ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen Victoria.—Session 3. (No. 2.)

ANALYSIS.

Title. | 1. Persons named in Schedule to be naturalized.
Preamble. | Schedule.

AN ORDINANCE for the Naturalization of certain German Settlers in the Colony of New Title.
Zealand.—(Passed the 16th day of July 1844.)

WHEREAS certain Germans, being the persons particularly described in the Schedule to Preamble.
this Ordinance annexed, have recently settled in this colony, and Her Majesty has been graciously pleased to assent to the removal from them (within this colony) of the disabilities to which aliens are by law subject; Be it therefore enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. All and singular the persons who are particularly described in the Schedule hereunto annexed, shall be to all intents and purposes whatsoever, within the colony of New Zealand, deemed and taken to be, and to have been, from the 14th day of June 1843, natural-born subjects of Her Majesty, as if they had respectively been born within the realm of England. Persons named in Schedule to be naturalized.

Robert Fitz Roy, Governor.

Passed the Legislative Council this 16th day of July, A.D. 1844.
J. Coates, Clerk of Councils.

SCHEDULE.

NAME.	CHRISTIAN NAME.	TRADE OR CALLING.	NAME.	CHRISTIAN NAME.	TRADE OR CALLING.
Karsten -	J. C. M. -	joiner.	Haase -	Fried. Wm. -	agric. labourer and shoemaker.
Ditto -	Cath. Elizabeth -	wife.	Ditto -	Friedericks -	wife.
Ditto -	Joh. Carol. Maria. -		De Fricke -	Diederich -	agric. labourer and shoemaker.
Ditto -	Joh. Doroth. Fried. -		Schieb -	Jacob -	cooper and yeoman.
Ditto -	Wilhelmine. -		Ditto -	Clara Josephe -	wife.
Eisemaun -	Ohil. Johan. -	joiner.	Ditto -	Maria Josephe. -	
Huter -	Joseph -	joiner.	Ditto -	Antonia. -	
Ditto -	Couradine -	wife.	Post -	Philipp -	vine-dresser and brewer.
Beckmann -	J. Hy. Frederic -	joiner.	Ditto -	Elisabeth -	wife.
Ditto -	Ann Maria -	wife.	Ditto -	Valentin. -	
Ditto -	Frans Henry. -		Ditto -	Philipp. -	
Ditto -	Maria. -		Schneider -	Peter -	labourer.
Ditto -	Cather. Christine. -		Ditto -	Anne Schröder -	wife.
Mausen -	G. Hch. Conrad -	gardener.	Hansen -	Peter -	ship's carpenter.
Ditto -	Joh. Cath. Elis. -	wife.	Ditto -	Margaret -	wife.
Ditto -	Car. Louise Heurt. -		Assmann -	Adolph -	joiner.
Martin -	Joh. Carl Hch. -	son of wife.	Ditto -	Wilhelmina -	ditto.
Spanhake -	Joh. Hch. Fried. -	agricultural labourer.	Pahl -	Wilhelm -	cooper and yeoman.
Ditto -	Sophie Mary -	wife.	Ditto -	Elisabeth -	wife.
Ditto -	Otto Frd. Rudolph. -		Ditto -	Friederic. -	
Sabritsky -	Sophie Elisab. -	widow, mercer.	Ditto -	Magdalena. -	
Ditto -	Joh. Hch. Ludolph -	agricultural labourer.	Ditto -	Heinrich. -	
Ditto -	Wilhelm Heinrich -	ditto.	Ditto -	Elisabeth. -	
Ditto -	Joh. Anton -	ditto.	Mohr -	Herman -	sawyer.
Körber -	Joh. Hch. Samuel -	agric. labourer and shoemaker.	Ditto -	Anna -	wife.
Ditto -	Lürgen Hch. Reichd. -	ditto - ditto.	Ditto -	Anna Maria. -	
Ditto -	Joh. Carl Joseph -	ditto - ditto.	Ditto -	Frang Heinrich. -	
Ditto -	Maria Elisab. -	wife.	Ditto -	Wilhelm. -	

NAME.	CHRISTIAN NAME.	TRADE OF CALLING.	NAME.	CHRISTIAN NAME.	TRADE OF CALLING.
Spring -	Hch. Simon -	cordwainer.	Pahl -	Anna Magdalena -	wife.
Lange -	Conrad Joh. Ferdinand -	smith and farrier.	Ditto -	Marg. Elisab. -	
Ditto -	Marie Jos. Elis. -	wife.	Ditto -	Marg. Dorothea. -	
Ditto -	Joh. Soph. Dorothea. -		Buschl -	Michael -	yeoman.
Ditto -	Anna Maria. -		Ditto -	Maria -	wife.
Sixtus -	Joh. Fred. Andreas -	smith.	Ditto -	Anna. -	
Ditto -	Joh. Carl Christ. -	printer.	Ditto -	Michael. -	
Ditto -	Joh. Christ. Andreas -	agricultural labourer.	Ditto -	Johann. -	
Ditto -	Joh. Wm. Hy. -	- ditto.	Ditto -	Kreszens. -	
Ditto -	Joh. Gottfd. George -	- ditto.	Behrends -	Charles -	yeoman.
Feserfeldt -	Betty -	domestic servant.	Schumacher -	Fried. M. De -	joiner.
Saensch -	Ferdinand Robert -	yeoman.	Ditto -	Maria -	wife.
Stade -	Joh. Hch. Loach -	mason.	Harenbein -	August -	bricklayer.
Ditto -	J. M. F. -	wife.	Jung -	Carl. Frd. Wm. -	yeoman.
Frank -	Jacob -	millar and vine dresser.	Hilmer -	Wilhelmine -	domestic servant.
Ditto -	Christine -	wife.	Barjh -	Theodor -	butcher.
Ditto -	Clara Josephe. -		Prahdel -	Frđ. Ed. -	agricultural labourer.
Ditto -	Jacob. -		Adam -	Dorothea -	domestic servant.
Ditto -	Christoph. -		Lamotte -	C. Wm. Ferdinand -	joiner.
Ditto -	Peter. -		Dieckmann -	H. -	smith and farrier.
Treban -	Alois -	yeoman, vine-dresser.	Ulrich -	Bartold -	agricultural labourer.
Meyer -	Doris Fred. Htte. -	domestic servant.	Muller -	J. D. F. -	locksmith.
Ovye -	Justus Wme. -	joiner and yeoman.	Ditto -	C. F. -	wife.
Bensemann -	C. H. -	carpenter.	Ditto -	Jn. W. C. -	
Ditto -	A. M. Elisab. -	wife.	Ditto -	Georgs F. C. -	
Ditto -	A. Cath. Maria. -		Ditto -	Christina D. -	
Ditto -	Joh. Albert. -		Ditto -	Dorothea. -	
Ditto -	Joh. Henry. -		Schüler -	Dorothea Henriette -	domestic servant.
Hempel -	Joh. Ge. Cha. -	joiner.	Ahrens -	Pet. Wm. -	agricultural labourer.
Ditto -	Meta Adelheid -	wife.	Schencher -	George -	agric. labourer and shoemaker.
Ditto -	Christel Ed. -		Ditto -	Anne Dorothea -	wife.
Ditto -	Frd. Julius. -		Eberhard -	Jn. Henry -	child of wife.
Heine -	Joh. Wm. Christophe -	yeoman, missionary.	Göders -	Jacob Friederic -	doctor of medicine.
Trost -	Jn. Henry -	shoemaker, missionary.	Riemschneider -	John Friederic -	Protestant clergyman, misany.
Pahl -	Joh. Frđ. Carl -	saddler, upholder, &c.	Wohlers -	John Hch. Friederic -	- ditto.

— No. 15. —

(No. 30.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

No. 15.
Governor *FitzRoy*
to Lord *Stanley*,
14 September 1844.

My Lord, Government House, Auckland, 14 September 1844.
My despatch, (No. 25) dated 20th August, stated that I was about to proceed to the Bay of Islands, with Her Majesty's ship *Hazard*, on account of disturbances which had taken place there.

I arrived at Russell (or Kororareka) on the 25th ultimo, with the *Hazard* and the colonial brig *Victoria*. The *Sydney* was lying in the bay, having disembarked 150 of Her Majesty's 99th Regiment, two guns, and three months' provisions.

A camp was formed near the town, and the appearance of the whole had a great effect upon the natives, who had seen nothing of the kind before; but finding that it might become necessary to land on the opposite side of the bay, and march into the interior, the whole force was reembarked, and the three ships, accompanied by several large boats hired for landing the troops, moved to an anchorage at the mouth of the Keri Keri river. Respecting the reasons for this proceeding, and for an account of what took place subsequently, I will beg to refer your Lordship to the enclosed papers, until I can furnish full accounts. It appears to me preferable to send even the hastiest sketch of affairs, at this most critical time, rather than to delay till I can give detailed and satisfactory accounts.

Once for all, I must entreat your Lordship to make full allowance for the circumstances under which I am acting; so unfavourable to the preparation of such ample statements as I ought to send, but which continual locomotion and daily pressing duties have prevented my completing hitherto.

This applies also to various returns and other official documents not yet duly transmitted.

I have had no accounts from the Bay of Islands since my departure thence, on the 4th instant; but had not the state of affairs there been favourable, I should have been informed.

It is absolutely necessary for me to go again to Wellington and New Plymouth, as soon as possible, to endeavour to complete the land arrangements; and detrimental as it will be to routine business, and arrears of official details, I must sail hence on board Her Majesty's ship "*Hazard*" in a few days.

The

Newspapers,
vide page 150,
and my Despatch
to Sir G. Gipps,
with No. 25.
Miscellaneous.
(Enclosure, No. 7,
p. 95.)

The colonial brig is gone with the Chief Justice to Russell ; she will then convey Mr. Justice Chapman to Nelson and New Plymouth, and the Bishop and his family to Auckland ; where his Lordship will take up his permanent residence in November next.

I am, &c.
(signed) *Robert FitzRoy*, Governor.

— No. 16. —

(No. 31.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord Stanley.

My Lord, Government House, Auckland, 14 September 1844.

I HAVE to acknowledge the receipt of your Lordship's duplicate despatches marked, dated and numbered as follows: No. 3, 28th January 1844, and the following numbers to No. 18, 18th April, also "separate," of 11th March, and circular of 21st March.

These despatches arrived at Taranaki (New Plymouth) on the 29th ultimo, and were forwarded by the overland mail, which is now sent once a fortnight regularly.

I have, &c.
(signed) *Robert FitzRoy*, Governor.

No. 16.
Governor *FitzRoy*
to Lord Stanley,
14 September 1844.

— No. 17. —

(No. 32.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord Stanley.

My Lord, Government House, Auckland, 16 September 1844.

THE despatch just received from your Lordship, relating to the affairs of the New Zealand Company, (No. 15, 10th April 1844,) convinces me that I cannot too soon hasten to the scene of distress and confusion in Cook's Strait ; but, previously, I must summon the Legislative Council, and propose some short but most important measures.

I have long contemplated the abolition of Customs in New Zealand. I mentioned the subject to your Lordship in April 1843. It has now become the only measure which can avert extreme misery, and save the colony from utter ruin.

At whatever loss of revenue, at whatever reduction of salaries, or diminution in the number of officers employed by Government, the ports must be thrown open to the numerous shipping now frequenting any place rather than New Zealand ; a market must be thus obtained for our abundant produce, both vegetable and mineral : and industry must be stimulated, so that cheerfulness may succeed to despondency ; and discontent in the minds of the natives, which is fast increasing at not being allowed to trade alike in all places, may be totally removed.

I feel most deeply the importance of the measure now contemplated ; the responsibility that will be attached to my taking such a step without your Lordship's express sanction on behalf of Her Majesty ; but I should be utterly unworthy of the trust Her Majesty has confided to me were I to shrink at such a time, on account of selfish feelings, from doing what I am certain is absolutely necessary for the welfare of Her Majesty's subjects and colony.

The Legislative Council will meet on the 19th instant, when I shall lay before the members a Bill for repealing the Customs Ordinance, to come into operation on the 1st day of October next ; a Bill for levying a rate on all property, of about one per cent. on its current marketable value, returns being made by owners or occupiers ; and a Bill for raising and organizing militia, in accordance with your Lordship's directions.

I am aware, from my acquaintance with the views of the members of Council, that the first two of these measures will be approved, and, with modifications, will be passed, and brought into immediate operation ; trusting that Her Majesty will be graciously pleased to sanction such unprecedented proceedings, in consideration of the unprecedented nature of the case, and the most critical condition of this important colony.

I have, &c.
(signed) *Robert FitzRoy*, Governor.

No. 17.
Governor *FitzRoy*
to Lord Stanley,
16 September 1844.

—No. 18.—

EXTRACTS of a DESPATCH from Governor *Fitz Roy* to Lord *Stanley*.Government House, Auckland,
16 September 1844.

No. 18.
Governor Fitz Roy
to Lord Stanley,
16 Sept. 1844.
For Governor Fitz
Roy's Despatch,
15 April, No. 11,
vide Correspondence
respecting
New Zealand,
ordered by the
House of Commons
to be printed,
14 March 1845,
No. 131, page 12.

My Lord,

THE state of this colony is unprecedented and most critical; but I trust that the blessing of God on our utmost exertions in so good a cause will enable us to surmount every difficulty, however threatening.

We have no money, except the paper currency reported in my despatch of the 15th April last (No. 11). The receipts of Customs are diminishing monthly, owing to general poverty; fees on grants to land cannot be paid, for the same reason; and near 400 deeds of grant, which I have signed since my arrival, are now lying in office, because those in whose favour they are made out are too poor to pay the fees required by law.

Legal business in the courts is next to nothing; not from a scarcity of cases to be tried, but from want of means to pay lawyers.

The officers of Government, without any exception, whose authorized salaries exceed 80*l.* per annum, are only receiving half salary, and that, of course, in debentures, having no other currency. Until I learn from your Lordship to what extent any salaries will be defrayed from funds supplied by Parliament, I must consider all expenditure, of every description, as depending upon funds to be raised in the colony.

From colonial sources alone, I cannot, under existing circumstances, entertain the smallest hope of raising more than at the rate of 15,000*l.* per annum.

The absolute poverty of the southern settlers, as well as those about the Bay of Islands, the distress and confusion caused by the cessation of the Company's operations, the arrears of payment due from the Government, the uncertainty as to future means, and the effects of the Customs' restrictions, are now causing the greatest perplexity.

It is absolutely certain, that unless some great change can be speedily effected, no one can foretell the amount of disaster.

Distant as I am from your Lordship, unable to receive express authority how to act, in less than 10 months from the present time, and the emergency being immediate as well as extreme, I will not shrink from incurring the greatest amount of personal responsibility, and I will at once take every step which I believe would be authorized by your Lordship, on behalf of the Crown, could the state of affairs here be made known immediately.

The effect of the Customs' establishment in New Zealand has been most pernicious, and, if continued, would be fatal to the prosperity of the colony, not only in a commercial point of view, but in a political sense, for it would alienate from us a large portion of the aborigines, would cause open opposition, indeed, rebellion, and involve us not only in hostilities with the native race, but possibly with France or America.

The late disturbances at the Bay of Islands were caused chiefly by * * * *
* * * * exciting the natives to resist British authority, telling them, that while our flag waved in New Zealand, they would be oppressed,—that we now prevented them from trading with ships as they pleased and as they used to trade formerly, and prevented them from disposing of their own property, their lands, as they wished (a proof, say they, that they are not treated as British subjects), and that we are only waiting till our numerical strength in New Zealand is sufficient to make all the aborigines slaves, and take from them all their land.

Such ideas as these have been industriously spread abroad throughout New Zealand by a few * * * traders, and by some of the * * * who wander about the country continually.

I should be sorry indeed to find that any of the Roman Catholic missionaries have contributed to excite such a feeling * * * *
they have circulated small books in the native language, printed at their own press, the contents of which are considered to be very objectionable; and although confined, it may be said, to religious questions, there are passages which have, in my opinion, a direct tendency to cause bad feeling towards the English generally.

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A * * * * of some consequence at the Bay of Islands, a * * * * who acted as * * * * till his departure three months ago for * * * * openly and repeatedly asserted to natives as well as settlers, that the British flag had caused their distress, and if allowed to remain, would be their ruin.

There can be no doubt of the fact that the various tribes of natives, so much on an equality, and so jealous of their independence, will not long endure that the Government should prevent shipping from entering their respective ports (not being ports of entry) to trade with them; or that in ports of entry they should be prevented from bartering freely, or be obliged to pay higher prices for their tobacco, clothing and tools, than might be necessary.

He also said that the natives would be supplied with arms and ammunition by ——— if they resisted England.—R. F.

There are not wanting people to remind them continually that they pay twice as much for this, and so much more for that, than they would have to pay were it not for the British Government; while, on the other hand, it is impossible to make them comprehend all the advantages which are really ensured to them, or the state of anarchy and bloodshed which must inevitably be the consequence of their being left to themselves unprotected.

Having regard to what is going on at the Society Islands, and other islands in the Pacific, to the condition of the adjoining colonies, and to the indisputable fact that our position in New Zealand depends on moral influence, not in physical force; and believing that that moral influence, if duly sustained, will be all-powerful for good to the aborigines, as well as to the settlers and our country, I have decided to assemble the Legislative Council immediately, and propose the abolition of Customs, trusting to Her Majesty's sanction.

A rate on property will be substituted as a means of raising a small revenue, to the amount of which, and the aid granted by Parliament, we must reduce our expenditure at whatever individual distress or risk of local disorder for want of means and authority to act on behalf of Government.

If I had the means of paying small salaries of about 1*l.* a month to the principal chiefs in the more settled and frequented districts, it would be a great hold on their allegiance, and ensure their helping to keep the peace. Occasional presents are much required, and would be most beneficial. Money so employed, with care and judgment, would be far better spent than in maintaining or transporting any amount of physical force.

Your Lordship may ask is New Zealand, as a British colony, worth any great expenditure of public money?

My Lord, its value is far greater than the public believe, or even your Lordship, with access to every source of information, can yet be aware.

There is very much more available, fertile and rich land than has been supposed.

The climate favours every kind of production, animal as well as vegetable, in an extraordinary manner.

Mineral riches abound; their extent and variety becoming more known and better ascertained every month. Since I last wrote to your Lordship, and mentioned this subject, tin has been found in this neighbourhood, close to the sea.

It has been found that the flax hitherto sent home bears no comparison with a peculiar kind, called by the settlers "silky flax." This is now being cultivated, (though perennial, it is comparatively scarce), and promises to be a really valuable export.

Whales are again frequenting these coasts in numbers, after having for a time almost deserted them.

The valuable qualities and abundance of the timber here are well known.

The natives are well inclined to labour for very small remuneration, and are anxiously seeking for employment.

There are all the means of prosperity, except capital; but that, with our mineral wealth, is sure to be found if good feeling is kept up between the natives and Europeans, and the security of property as well as life fully maintained.

I have here referred only to the commercial bearings of this grave question; the political aspect will be before your Lordship's eye in England; and to the philanthropic views under which such extraordinary and unparalleled exertions

have been made by Great Britain for New Zealand, I need hardly allude, for they are, as I well know, moving springs of action in your Lordship's mind.

I have now to apologise for this lengthened and, I regret to say, hastily written letter, and assuring you that no effort shall be wanting on the part of the officers of Government and myself; that we are all in good health, and that the difficulties of our position cause no dismay.

I have, &c.
(signed) *Robt. FitzRoy, Governor.*

P. S.—I ought to add, that the issue of debentures as a paper currency (how ever contrary to my instructions), and having made them a legal tender, has saved * * * * the colony generally from much misery.

Second Postscript.—Delay in the departure of the vessel which will take this despatch enables me to inform your Lordship, that the measures taken at the Bay of Islands have succeeded perfectly; that I shall proceed on board Her Majesty's ship "Hazard" to Cook's Strait, in a few days; and that the Legislative Council have this day passed an Ordinance abolishing Customs and establishing a property-rate.

On these and very many other subjects I will write fully to your Lordship as soon as possible.

Enclosed are papers which will show your Lordship what time will not allow me to write, as the vessel is obliged to sail immediately.

28 September 1844.

Robt. FitzRoy.

Enclosure 1, in No. 18.

The MINUTES of the LEGISLATIVE COUNCIL of *New Zealand.*

Thursday, 19 September 1844.

Encl. 1, in No. 18. Present.—His Excellency Robert FitzRoy, Governor; the Honourable Andrew Sinclair, Colonial Secretary; the Honourable William Swainson, Attorney-general; the Honourable Alexander Shepherd, Colonial Treasurer; William Brown, Esquire; and Samuel M. D. Martin, Esquire. Absent.—Charles Clifford, Esquire.

THE Council met pursuant to summons.

His Excellency then opened the Session with the following address:

"Gentlemen,

"Council Room, 19 September 1844.

"Circumstances of an extraordinary and unprecedented character have impelled me to request your immediate attendance, and your efficient assistance.

"The very critical condition of New Zealand, allowing of no delay in endeavouring to effect substantial improvement, does not admit of my giving either the usual notice to yourselves, or any previous publicity to the measures I propose to bring under your consideration.

"I am fully sensible of, and sincerely regret, this irregularity of procedure—but there is, I am certain, no prudent alternative.

"Three great difficulties are now pressing so severely on this colony as to demand instant measures of relief.—In addition to the critical nature of our relations with the aborigines—owing in a great measure to the operations of the Customs' Ordinance (which by each day's experience, I may say, are proved more and more clearly to be detrimental to our welfare)—we find ourselves without funds, almost without credit:—and we have just received certain information that the New Zealand Company stopped payment last February.

"Gentlemen,—under these circumstances, we may surely be permitted by Her Majesty, and the public, to think less than usual of technical forms—and even of those rules for our guidance which in all ordinary cases we are bound to follow.

"Even if I should propose to adopt the strongest and most comprehensive measure that could reasonably be laid before you—and if I should ask you to sanction the most sweeping alterations, after only the shortest interval of calm reflection, sure I am that I should be justified.

"Emergencies like the present must be met—and difficulties like ours must be overcome—by measures of no ordinary character: but by employing such means, with the blessing of God on a good cause, I see no reason to doubt of our ultimate success—most certainly none for dismay!

"There is only one certain remedy, in my humble opinion, for the existing distress:—only one measure that can afford immediate, permanent and substantial relief—and that measure is—the abolition of Customs. It would be premature and tedious were I now to state all the reasons which have led me to this conclusion—but they shall be given in discussing the measure I shall lay on the table.

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"As a substitute for the Customs' Ordinance—as a means of raising revenue within the colony—I have to propose the adoption of a general Rate on Property and Income, taken together—so levied as to give neither trouble nor annoyance—yet productive of more available revenue than the present Custom-house Establishment.

"I have further to propose for your consideration, a Bill for embodying Militia: and will ask you to confirm the rules approved by the Judges of the Supreme Court.

"After deliberating and deciding on these measures, I shall suggest the adjournment of the Council; and as soon as I am able to leave Auckland, will hasten to the distressed settlers in Cook's Strait.

"I have received a despatch from Her Majesty's Principal Secretary of State respecting the fatally disastrous occurrences at Wairau, which fully justifies the course pursued by the Local Government. That despatch shall be laid on the table for your information."

The Minutes of the last meeting of the preceding Session were read and confirmed.

The clerk, by direction of the Governor, then read the "Standing Rules and Orders of the Council."

The Governor laid on the table, Extracts from a despatch received from Lord Stanley, dated 10th February 1844, on the subject of the Wairau massacre, which were read by the Clerk.

The Governor laid on the table, A despatch from Lord Stanley, dated 10th April 1844, transmitting copies of a correspondence between the Colonial Office and Mr. Somes, the Governor of the New Zealand Company, relative to the pecuniary embarrassments of the Company. Despatch and portion of correspondence read.

The Governor laid on the table, "A Bill for imposing a Rate upon Property."

On motion of the Governor—"Bill read a first time."

Ordered—"That Bill be read a second time on Tuesday the 24th instant."

The Governor laid on the table, "A Bill to confirm certain Rules touching the Practice of the Supreme Court."

On motion of the Governor—"Supreme Court Rules Bill" read a first time.

Ordered—"That the said Bill be read a second time on Tuesday the 24th instant."

[Council adjourned to 11 o'clock on Tuesday the 24th instant.]

Tuesday, 24 September 1844.

Present.—The Governor and Five Members. Absent.—Mr. Clifford.

THE Council met pursuant to adjournment.

The Minutes of the last meeting were read and confirmed.

Dr. Martin called the attention of the Council to the practice adopted by several parties in the town of Auckland, of keeping large quantities of gunpowder in their houses, which, in the event of a fire, would prove most destructive in its effects.

The Governor informed the honourable member, that the attention of the Government had already been directed to the subject, and instructions given, which he trusted would prevent the continuance of the evil.

The Governor laid on the table "A Bill for embodying a Militia."

On motion of the Governor, it was ordered—"That said Bill be read a first time after the orders of the day were disposed of."

The Attorney-general moved the order of the day for the second reading of the "Property Rate Bill."

Clauses 1 and 2 read, and agreed to.

On clause 3 being read, Dr. Martin moved that the words "in the estimation of the person making a return 'thereof,' be struck out." Agreed to.

Clause 3, as amended, read and agreed to.

On clause 4 being read, Mr. Brown moved that clause be amended by erasing the word "and," in the 41st line, and inserting after the word "whencesoever," the words "or from whatever source." Agreed to.

The Attorney-general moved that the word "and," in the 40th line, be erased, and the word "Annuities" inserted after the word "Salaries," in the same line. That the word "from," in the 41st line, be erased; also, that the following words in 44th line, viz., "according to the estimate of the person making such return," be erased. Agreed to.

Clause 4, as amended, read and agreed to.

Clause 5 read, and on motion of the Governor—"Consideration postponed."

Clause 6 read and agreed to.

On clauses 7, 8, 9, 10, and 11, being read, the Governor moved—"That the further consideration thereof be postponed."

On clause 12 being read, the Colonial Secretary moved that the words "knowingly and" be inserted in the 39th line, after the word "shall"—also, that the words "a false Return," in the same line be erased, and the following words, "an under estimate," be inserted in lieu thereof. Agreed to.

Clauses 13, 14, 15, 16, and 17, read and agreed to.

On clause 18 being read, the Attorney-general moved that the word "thereof" be inserted after the word "notice," in the 29th line—also, that the words "or in any such statement shall have made an under estimate of the rate payable by him," be inserted in the 30th line,

after the word "do"—also, that the sum of "25*l*." be inserted in the 31st line in lieu of the sum of "5*l*." Agreed to.

Clauses 20, 21, and 22, read and agreed to.

The Governor moved that the following clause be inserted between the 22d and 23d clauses, and numbered 23—"Provided, that it shall be lawful for his Excellency the Governor to appoint persons to act as collectors of rates leviable under this ordinance, subject to the approval of Her Majesty; such collectors shall be removable on reasonable cause by his Excellency the Governor."

Clause read and agreed to.

On clause 24 being read, the Governor moved that after the word "allowed," in the fourth line, the following words be inserted, viz., "to any collector or collectors who may be so appointed to collect the rate hereby imposed;" also, that the word "thereof" be inserted after the word "collection," in the fifth line; also, that the following words in the sixth line be erased, viz., "of the rates hereby imposed;" also, that the words "the person collecting such rates," be erased, in the eighth line, and the words "any such collector" be inserted in lieu thereof; also, that the word "thereof," in the ninth line, be erased, and the words "of such collection," be inserted in lieu thereof. Agreed to.

Clause 25 read and agreed to.

On the Form of Return being read, the Attorney-general moved that the words "amount to," in the last line, be erased, and the words "does not exceed," be inserted in lieu thereof.

Form, as amended, read and agreed to.

Form of Notice of Composition read and agreed to.

On the Schedule being read, Mr. Brown moved that the rate be amended. After some discussion, on motion of the Colonial Treasurer, further consideration thereof postponed.

On motion of the Governor,—“Further consideration of ‘Property Rate Bill’ postponed to Thursday, the 26th instant.”

The Attorney-general moved the order of the day for the second reading of the “Supreme Court Rules’ Bill.”

Preamble read and agreed to.

The Colonial Secretary moved that the rules framed by their Honors the Judges, and approved by the Executive Council, be now read.

Dr. Martin moved, as an amendment, that the rules as printed be agreed to, without reading them *seriatim*. Amendment carried in the affirmative.

Clause 1 read and agreed to.

On motion of the Governor,—“Bill ordered to be engrossed, and read a third time on Thursday, the 26th instant.”

The Colonial Secretary moved that the “Militia Bill” be read a first time. Bill read a first time accordingly.

The Governor moved,—“That said Bill be read a second time on Thursday, the 26th instant.”

Dr. Martin moved, as an amendment,—“That Bill be read a second time this day six months.”

Amendment carried in the affirmative.

[Council adjourned to 11 o'clock on Thursday, the 26th September 1844.]

Thursday, 26 September 1844.

Present.—The Governor and Five Members. Absent.—Mr. Clifford.

THE Council met pursuant to adjournment.

The Minutes of the last meeting were read and confirmed.

The Governor gave notice of certain alterations and reductions which may be required after the end of this year.

On the order of the day for the further consideration of the “Property Rate Bill,” being moved,—The Attorney-general moved that the 3d clause be amended by erasing the two last words in the said clause, and inserting the words “hereby required to be made in respect thereof,” in lieu thereof. Clause as amended, read and agreed to.

Dr. Martin moved that the 4th clause be amended by erasing the word “and,” in the 40th line; also, by inserting after the word “Pensions,” the following words, viz., “and every other description of Income.” Clause, as amended, read and agreed to.

Dr. Martin moved that before proceeding with the remaining clauses of the Bill, the Schedule should be first considered, as most of the clauses had some reference to it. Agreed to.

On

On Schedule being read, Mr. Brown moved that the following arrangement of the scale be inserted in lieu of the original scale.

	£.	£.
"When the Property or Income, or both taken together } of any person shall not exceed - - - - }	50 - - - -	-
" " - - - -	100 - - - -	1
" " - - - -	200 - - - -	2
" " - - - -	300 - - - -	3
" " - - - -	400 - - - -	4
" " - - - -	500 - - - -	5
" " - - - -	600 - - - -	6
" " - - - -	700 - - - -	7
" " - - - -	800 - - - -	8
" " - - - -	900 - - - -	9
" " - - - -	1,000 - - - -	10
Composition - - - -	- - - -	12."

On the question being put that Mr. Brown's proposed amendment be agreed to, carried in the affirmative.

On clause 6 being read, the Attorney-general moved that the following words be inserted at the end of the clause:

"Provided always, that any person who may be liable to such rate or composition may pay the whole of such yearly rate or composition in advance."

Clause as amended read and agreed to.

Clause 7 read and agreed to.

On clause 8 being read, Mr. Brown moved that clause be expunged. Agreed to.

Clause 9 altered to 8. On clause being read, the Attorney-general moved that the word "true," in the 20th line, be erased, and the word "highest" inserted in lieu thereof. Also, that all words after the word "him," in 22d line, be erased.

On clause 9 being read, the Attorney-general moved that the following words in 25th line be erased, "either in his own right or as agent or consignee." Clause as amended read and agreed to.

On clause 10 being read, the Attorney-general moved that the same be expunged. Agreed to.

The Governor moved that the numbers in the succeeding clauses be altered. Agreed to.

The Attorney-general moved that the words "Provided that" be erased from the commencement of the 21st clause. Also, that the words "Provided also and," at the commencement of 22d clause, be erased. Agreed to.

Mr. Brown moved that the words "(or on account of A. B.)," in the second line of form of return, be erased, and that the word "or," in same line, be erased, and the word "and" inserted in lieu thereof; also, that the words "or on account of," in composition form, be erased. Agreed to.

On motion of the Governor, it was ordered, "That said Bill be engrossed and read a third time on Saturday the 28th instant."

The Attorney-general moved the order of the day for the third reading of the "Supreme Court Rules Bill."

Bill read a third time and passed.

His Excellency then gave his assent to the Bill.

[Council adjourned to 12 o'clock on Saturday 28th September 1844.]

Saturday, 28 September 1844.

Present.—The Governor and Five Members. Absent.—Mr. Clifford.

THE Council met pursuant to adjournment.

The Minutes of the last meeting were read and confirmed.

Dr. Martin stated, that previous to the order of the day being proceeded with, he would call the attention of the Government to the Ordinance prohibiting Distillation, and urged upon the Governor to take steps for at once removing such restrictions.

The Governor stated that he felt precluded from taking any further steps in the matter until he received instructions relative to the fate of the Ordinance passed in the last session of the Council.

The Colonial Secretary moved the order of the day for the third reading of the "Property Rate Bill."

Bill read a third time and passed.

His Excellency then closed the session with the following address:—

"Gentlemen,

Council-room, 28 September 1844.

"I am now prepared to close this short, but most important session of our Colonial Legislature.

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"There

"There can be no doubt that the decision to which we have unanimously agreed, respecting the abolition of customs, and the substitution of a low rate on property, will be of vital consequence to the prosperity of New Zealand.

"That principle so true and beautiful in theory,—so difficult to be carried into practice in old countries—the principle of Free Trade,—we have here, in this new country (as it may be called)—in this youngest of colonies, endeavoured to carry into effect.

"I say endeavoured—because the sanction of our gracious Sovereign the Queen is necessary in order to make that a permanent, which is now a temporary, law—namely, the Property Rate Ordinance.

"That Her Majesty will be advised to confirm this Ordinance, I cannot doubt. The peculiar character and unique condition of New Zealand appear to leave open no other wise course.

"Nothing less than the most urgent sense of imperious necessity would have induced me to act so promptly, so decidedly, as I may appear to have acted on this important question.

"The political horizon may be viewed more generally and completely from an elevated position. Dangers may thence be seen, not yet visible from other places. It is impossible to show to many the view obtained from a spot accessible to few.

"One word more, and I will refrain from trespassing further on your valuable time, so cheerfully and perseveringly given to the interests of your adopted country.

"The property rate established by the Ordinance—to which I have expressed my strong conviction that so much importance attaches—is founded (as you are well aware, having contributed so materially to its construction) on the joint basis of person, property and income.

"By taking these into consideration together, a scale has been formed—according to which each individual may be rated to the country; and as every one is alike interested in its efficient operation, I rely with confidence, under God's blessing, on the general and cordial assistance which I believe will be given by our community.

"Robert FitzRoy, Governor."

"J. Coates, Clerk of Councils."

Enclosure 2, in No. 18.

Encl. 2, in No. 18.

SUPREME COURT RULES ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen VICTORIA, Sess. 4. (No. 1.)

ANALYSIS :

Title.	Judges of the Supreme Court have made Rules.
Preamble, reciting Ordinance, Sess. 3. No. 1, That	1. The said Rules hereby confirmed.

AN ORDINANCE to confirm certain Rules, Forms and Table of Fees, touching the Practice of the Supreme Court.—(Passed the 26th day of September 1844.)

Preamble, reciting Ordinance, Sess. 3, No. 1.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council, Sess. 3, No. 1, intituled, "An Ordinance for establishing a Supreme Court," it is enacted, that it shall be lawful for the judges of the Court from time to time to make rules for regulating the time and place of holding the Court, and the practice and pleadings upon all indictments, informations, suits and other proceedings therein; the proceedings of the Sheriff and other ministerial officers; the admission of barristers and solicitors; the fees and poundage to be paid to any officer; costs of suit and the taxing thereof, and all matters relating to the business of the Court, and such rules from time to time to alter or revoke: And it is also further enacted, that the rules to be made under the authority aforesaid shall be submitted to the Governor in Council, and upon being approved, shall have the same force and effect as if they had been inserted in the said Ordinance until the termination of the sitting of the Legislative Council next following their approval by the Governor in Council.

That the Judges of the Supreme Court have settled Rules.

And whereas in exercise of the powers to them given by the said recited Ordinance, the judges of the Supreme Court have settled and approved the rules, forms, and tables of fees, hereunto annexed, and the same have been approved by the Governor in Council, and it is expedient that such rules, forms and tables of fees should be confirmed.

The said Rules confirmed.

Be it therefore enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council, that the said rules, forms and tables of fees, shall be and the same are hereby confirmed.

Robert FitzRoy, Governor.

Passed the Legislative Council, this 26th day of September, A. D. 1844.

J. Coates, Clerk of Councils.

PROPERTY

PROPERTY RATE ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen VICTORIA, Session 4. (No. 2.)

ANALYSIS :

Title.	14 Returns to be published.
Preamble.	15 Particulars of Property, &c., may, in certain cases, be required.
1 No. 3, Sess. 1, and No. 6, Sess. 3, repealed.	16 Penalty for not supplying particulars.
2 Property Rate imposed.	17 Particulars may be given in evidence.
3 What Property liable.	18 Receipts to be given.
4 Income, what and how estimated.	19 Monies to be accounted for monthly by Collector.
5 Composition may be made.	20 Ordinance not to extend to Property of Aboriginal Inhabitants.
6 Rate, &c., when payable.	21 Appointment of Collectors.
7 Returns to be made.	22 Allowance for Collection.
8 Return to state amount of Rate payable.	23 Interpretation Clause.
9 Composition, how to be made.	Form.
10 Under Estimate a Misdemeanor.	Schedule.
11 Penalty for neglecting to make Return.	
12 Penalty for arrears.	
13 How to be recovered.	

An ORDINANCE for imposing a Rate upon Property, and for repealing the "Customs Ordinance," Sess. 1, No. 3, and the "Customs Amendment Ordinance," Sess. 3, No. 6.—(Passed the 28th day of September 1844.)

WHEREAS an Ordinance was enacted by the Governor of New Zealand, with the advice and consent of the legislative council thereof, Session 1, No. 3, intituled, "An Ordinance to repeal within the said Colony of New Zealand, an Act of the Governor and Council of New South Wales, passed in the third year of Her present Majesty's reign, intituled, "An Act to repeal an Act relating to the Revenue of Customs in New South Wales, and to provide for the general regulation thereof;" and also a certain other Act of the said Governor and Council of New South Wales, passed in the fourth year of the reign of Her said present Majesty Queen Victoria, intituled, 'An Act for increasing the Duties on Spirits, Wines and other Goods and Merchandize, imported into the Colony of New South Wales and its Dependencies,' and which said Acts of the Governor and Council of New South Wales were adopted, and are now in force within the said Colony of New Zealand and its Dependencies; and to make provision for the collection of certain Duties on Goods imported into and for the general Regulation of the Revenue of Customs in the Colony of New Zealand and its Dependencies:" And whereas an Ordinance was enacted by the Governor of New Zealand, with the advice and consent of the legislative council, Session 3, No. 6, intituled, "An Ordinance to amend an Ordinance enacted by the Governor and Council of New Zealand, Session 1, No. 3, to repeal certain Acts of the Governor and Council of New South Wales, to make provision for the collection of certain Duties on Goods imported into, and for the general Regulation of the Revenue of Customs in the Colony of New Zealand and its Dependencies:" And whereas the commerce, agriculture and general prosperity of New Zealand would be greatly promoted by removing all restrictions on the free intercourse of shipping, with its numerous ports and harbours; and to that end it is expedient that all duties imposed upon goods imported into the colony, and all provisions made for the regulation and protection of the revenue of Customs by the said recited Ordinances should be repealed; and that in lieu of the said duties of Customs, a revenue should be raised by rates upon property within the colony; Be it therefore enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:

1. On and after the 1st day of October, in this present year, the said recited ordinance, Session 1, No. 3, and the said recited Ordinance, Session 3, No. 6, shall be repealed; and all goods, wares and merchandize, which shall have been warehoused under the provisions of the said recited ordinances, or either of them, and which shall be in bond on the said 1st day of October, shall be free from all duties which would have been payable thereon if the said recited ordinances had not been repealed. No. 3, Sess. 1, and No. 6, Sess. 3, repealed.
2. On and after the 1st day of November next, there shall be raised, levied, collected and paid, in manner hereinafter mentioned, in respect of all property and nett yearly income, within the colony of New Zealand, a yearly rate according to the scale in the Schedule hereunto annexed. Property rate imposed.
3. Property liable to the rate hereby imposed shall comprise every description of property, whether real or personal, and for the purposes of this ordinance, the value of such property shall be taken to be the marketable value thereof, at the date of the return hereby required to be made in respect thereof. What property liable.
4. Income liable to the rate hereby imposed shall comprise the nett yearly profits of any trade, business or profession, rents arising from real property, interest on money lent, pay, salaries, annuities, pensions and every other description of income, whencesoever or from whatever source the same respectively may be derived; and for the purpose of this ordinance the amount of such income shall be taken to be the probable amount thereof for the year following the date of such return. Income, what and how estimated.
5. In lieu of the rate hereby imposed, it shall be lawful for any person liable for the payment of the same, to make a composition for such rate by paying the yearly sum of 12*l*. Composition may be made.

- Rate, &c. when payable.** 6. Such rate or composition shall become payable in four equal quarterly payments, and be paid on the 1st day of November, the 1st day of February, the 1st day of May, and the 1st day of August, in every year; and the first of such quarterly payments shall be made on the 1st day of November next: Provided always, that any person who may be liable to such rate or composition may pay the whole of such yearly rate or composition in advance.
- Returns to be made.** 7. On the first day of November in this and every succeeding year, every person resident within the colony who shall be possessed of property of any nature or kind whatsoever, which alone or together, with any such clear yearly income as aforesaid, shall in the whole amount to the sum of 50*l.* or upwards, shall deliver to the collector of the district, or cause to be left at his office, a return in the form or to the effect in the Schedule hereunto annexed, setting out in words, at length, the amount of the rate payable by him according to such scale as aforesaid, in respect of the property and income for which the return shall be made.
- Return to state amount of rate payable.** 8. The return hereby required to be made shall contain a declaration that the sum named therein is the highest rate payable by the person making the return, in respect of the property and income possessed by him.
- Composition how to be made.** 9. When any person possessing property or income liable to the rate hereby imposed shall intend to make a composition in lieu of such rate, such person shall state his intention so to do upon the face of the return, instead of setting out in manner hereinbefore required the precise amount of rate that would otherwise have been payable in respect of such property or income.
- Under-estimate a misdemeanor.** 10. If any person shall knowingly or wilfully make an under-estimate of the amount of the rate payable by him in respect of such property or income, or both, he shall be deemed guilty of a misdemeanor.
- Penalty for neglecting to make returns.** 11. If any person hereby required to make such return as aforesaid shall fail so to do for the space of One calendar month from the time appointed under the provisions of this ordinance for the making of such return, (notice in writing of such default having been first personally served on such person), he shall on conviction forfeit and pay any sum not exceeding 20 *l.*, to be recovered in a summary way, on the information of the collector of the district.
- Penalty for arrears.** 12. If the rate or composition payable on any of the aforesaid quarter days shall remain in arrear for the space of one calendar month or upwards, such rate or composition shall thereupon and thereafter be increased by one-fourth part thereof for every calendar month for which it shall have been in arrear.
- Arrears how to be recovered.** 13. If any such rate or composition as aforesaid shall at any time have been in arrear for the space of Three calendar months, such sum, together with any further sum which may have become due in respect thereof by virtue of the provision last hereinbefore contained, shall be recoverable by summary proceedings against the person liable for the payment of the same, and shall be leviable by distress and sale.
- Returns to be published.** 14. At the expiration of One calendar month from the day on which returns are hereby required to be made, the collector of the district shall cause a statement of all returns which shall have been made to be posted in some conspicuous place or places within the district, and shall forward a copy thereof to the Colonial Secretary for publication in the Government Gazette; such statement shall contain the name and description of the person making the return, and the amount of the rate for which such person shall have declared his property and income to be liable under the provisions of this ordinance.
- Particulars of property, &c., in certain cases, may be required.** 15. If it shall be made to appear to the satisfaction of the collector of the district, on the evidence of two respectable householders, that in any return a true statement of the rate hereby imposed has not been made, the collector in such case is hereby authorized to require from the person making such return a detailed statement in writing setting forth a description and enumeration of the property and income in respect of which such return shall have been made, and of the estimated value thereof.
- Penalty for not supplying particulars.** 16. Any person who shall fail to make such statement as aforesaid for the space of one calendar month after receiving notice thereof in writing from the collector of the district, requiring him so to do, or in any such statement shall have made an under-estimate of the rate payable by him, he shall forfeit and pay any sum not exceeding 25 *l.*, to be recovered in a summary way.
- Particulars may be given in evidence.** 17. When any of the property set forth in such detailed statement as aforesaid shall become the subject of any action or suit in which the person making such statement shall be a party in which the value of such property shall be a material question, a copy of such statement showing the value of the property as estimated by the person making the return, certified under the hand of the collector of the district, may be given in evidence by the opposite party.
- Receipt for rate to be given.** 18. Any person making any payment under the requirements of this ordinance may demand a receipt for the same, and every collector or other person receiving such payment is hereby required upon demand made to give such receipt accordingly.

19. All monies received by any collector or other person under the authority of this ordinance shall be accounted for and paid over monthly to the Colonial Treasurer, or his agent, to the use of Her Majesty, Her heirs and successors, for the public uses of the colony and the support of the Government thereof. Monies to be accounted for monthly by collector.

20. Provided always, that nothing herein contained shall be held to extend to the property or income of any aboriginal native of the colony. Ordinance not to extend to property of aboriginal inhabitants.

21. It shall be lawful for his Excellency the Governor to appoint persons to act as collectors of rates, leviable under this ordinance, subject to the approval of Her Majesty; such collectors shall be removable on reasonable cause by his Excellency the Governor. Appointment of collectors.

22. Be it further enacted, That there may be allowed to any collector or collectors who may be so appointed to collect the rate hereby imposed, for and in respect of all costs, charges and trouble attending the collection thereof, any sum not exceeding five per cent. on the gross receipts of such collection—and that the sum so to be allowed may be deducted monthly by any such collector from the gross proceeds of such collection, anything hereinbefore contained to the contrary notwithstanding. Allowance for collection.

23. All words in this ordinance denoting a male person shall be taken to include a female also. Interpretation clause.

Robert FitzRoy, Governor.

Passed the Legislative Council, this 28th day of September, A.D. 1844.

J. Coates, Clerk of Councils.

FORM OF RETURN.

PROPERTY RATE.

Name:
Place of abode.

Date.

I hereby solemnly declare that the rate payable by me, in respect of my Property and Income, under the provisions of the "Property Rate Ordinance, Session 4, No. 2," and according to the scale of the Schedule to the said Ordinance annexed, does not exceed the sum of (the sum in words at length).

(signed)

(Or as the case may be.)

I hereby give notice that I intend to make a composition in lieu of the rate payable by me in respect of my Property and Income during the ensuing twelve months.

(signed)

SCHEDULE.

					£.	Rate.		
When the Property or Income, or both taken together, } of any person shall not exceed					£.			
					50	-	-	-
"	"	-	-	-	100	-	-	1
"	"	-	-	-	200	-	-	2
"	"	-	-	-	300	-	-	3
"	"	-	-	-	400	-	-	4
"	"	-	-	-	500	-	-	5
"	"	-	-	-	600	-	-	6
"	"	-	-	-	700	-	-	7
"	"	-	-	-	800	-	-	8
"	"	-	-	-	900	-	-	9
"	"	-	-	-	1,000	-	-	10
Composition		-	-	-	-	-	-	12

Enclosure 3, in No. 18.

Extracts from "The Southern Cross," of 7 September 1844.

SUCCESSFUL and amicable Settlement of the Native Disturbance at the Bay of Islands.

Encl. 3, in No. 18.

MUCH anxiety has prevailed during the last week or two, regarding the result of the expedition to the Bay of Islands. Hope, fear and conjecture alternately succeeded one another. While the more peaceful of the inhabitants dreaded the chance of a collision with the natives, the more thoughtless and rash cherished fears, but of a different character. A fear that, according to their estimate of the manner in which affairs should be settled, that his Excellency might fail in nerve and firmness to carry out those sternly cruel measures which they deemed the future safety of the colony, and the present dignity of the British Government demanded. We are rejoiced to find that a middle and a safer course has been adopted, and that without compromising the dignity of the British Crown, or spilling the blood of the aborigines: a quarrel of a very serious nature has been happily and amicably arranged, and a foundation laid for the permanent establishment of feelings, of friendship and kind-heartedness between the two races. Whatever may be said or thought regarding the native character, we are perfectly convinced that by a constant adherence to the principles of justice, it is quite possible not only to govern, but to civilize the aborigines of New Zealand without the actual interference or assistance of the military; and while we would always desire to see a large military force in the colony, as a power to appeal to in evidence of our strength and superiority, we should nevertheless feel extremely sorry that that power should ever be brought into actual contact and collision with the natives. The day that it shall become necessary to do so, would be the last day that we should wish to remain in this colony.

Our readers will remember that in some former numbers we have noticed a disturbance at the Bay of Islands, occasioned by a chief named "John Heki;" they are also doubtless aware that in consequence of that disturbance, and in anticipation of the necessity of appealing to military force, in order to bring that chief to a sense of the impropriety of his conduct, it was deemed expedient to obtain additional troops from New South Wales. Upon the arrival of these troops, the Governor immediately proceeded to the scene of the disturbance. His Excellency arrived at Russell on the 26th; on the following day he had all the troops embarked for the purpose of proceeding up the Kidi-kidi, where they were to have been landed. From the Kidi-kidi it was intended that the troops should travel to the Waimate, the nearest place to Heki's residence, where they could safely and conveniently encamp, and wait the result of negotiations with that chief and his tribe. When the vessels that conveyed the troops were proceeding towards the Kidi-kidi, the Chief Protector and some of the missionaries who were deputed by the natives to wait upon his Excellency, conveyed the information that the natives were extremely anxious that the troops should not be landed, and urged upon them to request that his Excellency would again withdraw them to Russell, and meet the chiefs on the following Saturday at Waimate, in the hope that matters might be arranged with mutual satisfaction. The troops accordingly retired to Russell, and the Governor in the meantime visited and held meetings with the principal resident chiefs of the Bay of Islands, who manifested a most friendly feeling towards the Europeans, and entreated that peace and good-feeling might be maintained. The cause of the discontent they plainly and forcibly stated to be their present extreme poverty and depression, because of the restrictions on the sale of their lands, and more especially the injury which they had sustained since the whaling ships and other traders had ceased to visit their ports. In consequence of which they were now unable either to dispose of their produce, or to obtain those articles of European trade and manufacture to which they had been accustomed, and had so easily and cheaply procured before the establishment of the Government. Independent of this apparent and real cause of discontent, it was also quite evident that a systematic opposition to the Government had been set up by the means of some designing and evil-disposed persons, especially * * * * who represented the ulterior views of the Government to be that of eventually enslaving the aborigines, and becoming possessed of their lands. So far had this feeling operated on the minds of the natives, that they were actually deceived into the belief that if they again erected their own flag, and destroyed that of the Government, that the * * * would assist them in obtaining and maintaining their independence. It was under the influence of this feeling, and not because of an insult from a native woman, (as formerly reported) that the chief Heki pulled down and destroyed the flag-staff at Russell.

Viewing this wide-spread discontent, the extreme wretchedness of the natives, the justice of their cause of complaint, and determination to resist, it became at once obvious that one of two courses must be adopted, either by justice and kindness to conciliate their good-will by removing the causes of discontent, or to enter upon a cruel and useless warfare, from which nothing could be expected but the eventual destruction of the aborigines, and the ruin of the colony and the European population. The Governor, therefore, boldly and wisely adopted the first course, previous to entering upon any negotiations with the discontented chiefs. Believing that it would have a much better effect to perform an act of justice voluntarily, than to appear (as it might otherwise be the case) to yield to the wishes of the discontented chiefs, through fear of their power, the Governor accordingly, on Thursday, called together the principal inhabitants of the town of Russell, and informed them that the Bay of Islands was to be henceforth a free port, and that the Custom-house officers would be immediately removed from Russell.

After

After these proceedings at Russell, the Governor according to promise left the Bay on Thursday for Waimate, and on the following Monday held the conference with the disaffected chiefs, of which the following is the substance. The Governor's addresses were translated by Mr. Pucky, one of the oldest missionaries in the colony:

"Friends, Chiefs, and Elders,—I salute you kindly. I am glad to meet you. I wish that you may enjoy peace and prosperity. My interest in your welfare is great and lasting. My heart's desire is to do you good.

"I am come here to talk to you about matters of great importance to yourselves; and I have much to say. Have patience.

"The subject uppermost in my mind, as in your own, is that which has caused this meeting.

About six weeks ago, the town of Kororarika was disturbed by a party of young men, headed by Hone Heki, who alarmed and insulted the inhabitants; broke into, and ransacked a house, carried away a native woman, the wife of Mr. Lord, and cut down the Government flag-staff.

"Had not the inhabitants been most peaceable and forbearing, lives might have been lost, and then, what would have been the consequence?

"But, although no life was lost, thanks be to God; and although there were circumstances tending to diminish part of the blame attached to Heki; there was undoubtedly much meaning attached to the act of cutting down the flag-staff; which it is my particular duty to notice seriously.

"The conduct of Heki and his party, while at Kororarika, was so unbearable, that it obliged me to place soldiers there to prevent any repetition of such provoking annoyances.

"I will now speak of the flag-staff, in itself worth nothing; a mere stick, but as connected with the British flag, of very great importance.

"I have heard that Heki and a few others have said that the British flag has done them harm, and that it was for that reason they cut down the staff. I have also been told that some few persons have been suspicious of the British Government, and doubtful of our intentions. It is the existence of this feeling that I consider so injurious to your welfare; so necessary to be removed.

"The more fully and openly it is discussed the better. There is nothing to conceal or disguise. The more plainly we talk about this matter, the more thoroughly shall we remove those suspicions and doubts which have been raised in the minds of Heki and some others by designing and wicked Europeans; by persons who care not what disasters, what violence, what ruin may be brought on yourselves.

"I do not blame Heki and those who acted with him, nearly so much as those bad Europeans who poisoned his mind with their false and malicious assertions. I believe that Heki himself would take a very different view of the subject, if he had heard the whole truth; if he had heard all that I and others have to tell you openly—defying contradiction.

"I will begin by reminding you that only thirty years ago, you were wild barbarians, utterly unlike Christians—utterly uncivilized. I need not say more, for you well know what you then were. A few ships visited your country, and your sad condition was told to good men in other parts of the world. Some few of those good men collected money from their friends; bought tools and clothes, and came to this land to teach you to be like themselves—to be Christians, knowing the way to salvation, civilized, peaceable, and happy: enjoying life in this world, and preparing for a better. Those good men had no other object in view. They were even thought very foolish by their countrymen for risking their lives, and as it was said, throwing away their existence among the most barbarous of the human race.

"Those men were not then known, they were not heard of by the British Government till after they had been many years in this land. They never had any kind of connexion with the Government.

"After those good men had taught you to behave kindly to strangers, many people came to trade with you, and among them came some bad men, who did much harm. The mischief done by those bad men was told to King William in a letter from yourselves.

"The King of England sent Mr. Busby to stop such mischief, and sent away the bad strangers. But Mr. Busby could not do so, because he had not force to support his authority.

"About that time other great nations of the world began to think about New Zealand. Those great nations were * * * *. The ships of those nations are very numerous; and their power is irresistible by those nations who have neither ships, guns, powder nor shot of their own.

"Formerly European nations attacked and conquered countries inhabited by uncivilized men, and, to their everlasting disgrace, killed multitudes of their men. But England acted differently; England determined to save and protect the inhabitants of New Zealand. King William, and after him, Queen Victoria, have defended the New Zealanders. When King William was asked to send ships and soldiers to take away part of New Zealand by force, he refused, and said he would protect the natives of New Zealand, and guard their lands. He would never allow those dreadful scenes to be repeated in New Zealand which had eternally disgraced other countries.

"About this time * * * * * to save them also from the acts of lawless Europeans, who were settling in various parts of the country; the British Sovereign proposed to take New Zealand under the protection of that flag of which we have been speaking, the only security that could be effectual. Without such

protection it was probable that the New Zealanders would soon be exterminated. In order to protect them effectually, he offered to make them a part of the great British family—the greatest nation in the world; to give them all the advantages of English laws; but not to interfere with their own laws against their consent, while affecting only themselves. His offers were accepted gladly by the greater number of the chiefs; and the consequence has been, that no one injures or molests them; that their lands are secured to them, and that they are perfectly free.

“The British flag is the signal of freedom, liberty and safety. That flag is esteemed sacred, because it defends and protects us. In sharing its advantages with you we make you our brothers; we place you on equal terms with ourselves. Every advantage that we obtain from that flag is open to you, and we are instructing you how to make use of those advantages. Can we do more? No.

“But I have found that some of the regulations of the Government about ships, and goods brought in them, have been injurious, have done harm to those who live near the Bay of Islands.

“Being truly desirous of promoting the welfare of the settlers among you, and yourselves, I have altered those regulations; and you will in future be able to trade freely with all ships.

“You must remember that disturbances, and bad conduct to Europeans, make ships, settlers and traders go to other places, and forsake you. To keep them among yourselves, you should always treat them kindly; never alarm them, but assist them when in trouble. Disturbances, insults, quarrels or other annoyances must drive away even your best friends; and if they were to leave you, must you not become destitute, wanting every thing?

“The Queen of England is the protector and defender of all who belong to her nation. She, by means of her Government, her soldiers and her ships, protects their land, their property and their lives.

“In order to enable her to protect your land against those who would buy more from you than you could spare, without distressing your children, an agreement was made at Waitangi, that no land should be sold without the consent of the Queen. This was much for your advantage.

“Let me now remind you of the immense sums of money subscribed for you every year in England; for the support of your teachers; for your instruction and improvement.

“All this has been done for you without your being able to make any return for such disinterested exertions, except that of yearly progress in improvement.

“It is necessary that I should tell you that some years ago, the natives of Tahiti asked the King of England for his protection and assistance, but he refused to comply. He refused to join Tahiti to the great English family.

* * * * *

“It made me very sad; it made my heart sick, to be obliged to bring soldiers and warships here, on account of bad conduct; but I cannot allow such behaviour, or such insults as those of Heki, to pass unatoned for. I am very desirous of acting in such matters in concert with the principal chiefs. I wish to consult with them on all important occasions.

“My wish is for peaceable measures; although I am prepared to act otherwise; but, with your help, under God’s providence, we shall succeed in our object of restraining the ill-conducted and checking the bad men.

“I have consulted about this matter of Heki’s misconduct with several chiefs, and he has written me a letter of apology about the flag-staff, and offered to put up another. I shall now only require further, that a certain number of guns be delivered up as an atonement. I shall not demand many, because I only wish to mark the nature of his offence by a public acknowledgment; not by any acquisition of property belonging to him or his friends.

“I shall therefore only require now that 10 guns be immediately given up to me, as atonement for the misconduct of Hone Heki.”

[Several chiefs sprung up, went away to their places, and brought about 20 guns, and many tomahawks, which they laid at the Governor’s feet, telling him he might have more if he chose.]

After the guns had been so delivered, his Excellency again shortly addressed the chiefs, giving them to understand that it was not his wish to make any profit for the Government by the crimes of any of the natives. He asked the guns as an acknowledgment of the error committed by Heki. In themselves they were of no value. The Government did not want their guns and their property, and to convince them of that, he would return the guns to themselves, being satisfied with the acknowledgment they had made; and he trusted in their good sense and kindly feelings that no future disturbance would occur, but that they should all live together as friends and brethren. He regretted the necessity of sending for the soldiers, and he hoped their future good conduct would prevent the necessity of again bringing soldiers to their country.

The following chiefs then addressed his Excellency, and we regret we can only give the substance of their speeches; but it is sufficient to show the highly satisfactory manner in which every thing had been arranged.

Pakirau.—I have but little to say indeed; only be kind; our troubles are about the land; natives will not mind any thing but the lands; be kind to us; we cannot prevent the

the evil that occurs, but we will try and promote the good; the person who will be good, he will be good, and do good; the missionaries are good; and when any one does wrong, I shall take my stand to prevent it.

Moses Tawhai.—Welcome, Governor; your kindness is great; my heart has been as if roasted and cooked on account of this circumstance of Heki's; one native sees a thing in one light, one in another; this accounts for difference of conduct; this was Heki's case; don't imagine that evil will entirely cease; it will not; you must expect more troubles from us; but when they come, settle them in this way, and not with guns and soldiers. Governor, I give you my first welcome, fully acknowledging you as Governor of this country; I appeal to this assembly and say that I am apprehensive that there will be other troubles; this is all I have to say. Welcome, Governor, welcome.

Waikato.—Saluting you, you are welcome; I have nothing to say; there are many who will listen to you; but we shall not listen to what the natives say, whose only concern is about corn and potatoes, and measure their prosperity by the price they can get for them; I will not listen to them. You are welcome, welcome.

Anaru.—My people are a troublesome people; do not be discouraged; we have had many Europeans who have had trouble with natives, but nothing very serious has ever taken place; don't be discouraged. Governor, welcome. Remember Heki is a child of the late Hongi, and has always been troublesome; do not be discouraged.

Tareha.—Governor, you have heard a great deal of talk, but perhaps it is not all true; no, I dare say it is not true; is it true, Ngapuhi? No. Therefore I will not leave them; my Europeans, they are as my companions; they are, they are; remain, remain. * * *

(The rest was unintelligible.)

Edward Patuone.—Governor, welcome; chiefs of Ngapuhi, welcome, welcome. Governor, you are the great chief of this place; formerly there was no great chief; I am pleased with you, Governor; I am all submission; you are come in peace, and you are welcome; Ngapuhi, this is good to me; is it so to you? Governor, you have made your kindness manifest to us; some time ago there were many chiefs; then all was confusion; Heki's conduct relative to the flag-staff was wrong; the superiority of your knowledge relative to these affairs convinces us that you are right; you are welcome; go and return again to Auckland; we will endeavour to maintain peace here.

Ropasa Tahu.—Welcome, Governor; you have shown your love; it is like our love to you; I am at peace, and on my own land; my fathers are here; I am kindly disposed to the Europeans.

Noa.—Welcome, Governor; it is good that you have met us to talk, that we may hear what you have to say; I have nothing to say either to European or native; the Europeans are peaceable to all; all are at peace; all I have to say is peace.

Taonui.—Welcome, Governor; how can we account for these outbreaks and babbings? Friends, Ngapuhi, salvation to us through the good speech of the Governor; welcome, Governor, my heart is now glad, but when I heard of the guns and soldiers being landed, my heart was dark; Ngapuhi, live in peace, peace, peace; remember Rete's case, and what followed; this will be the same, unless we make peace; had any European been killed, it should have been life for life, as in the case of Maketu; Ngapuhi, speak all you have to say; hide nothing; to meet as we have met, was the only way to effect a lasting peace to the tribe.

Tuwakawa.—Governor and natives, listen; the only flag-staff that will ever be cut down is that which was cut down by Heki; let him dare to attempt it again; is it true what Heki reported, that the Governor will enslave us? No, no, no.

Nene Waka.—Governor, if that flag-staff is cut down again, we will fight for it; we will fight for it all of us; we are one tribe, and we will fight for the staff and for our Governor; I am sorry that it has occurred, but you may return the soldiers; return, Governor, we will take care of the flag; we, the old folks, are well-disposed, and will make the young folks so also.

Paora.—The Governor's is a good speech to the natives of the sea coast and the natives of the interior. Peace, peace to the Governor's speech.

Kekeau.—Governor, be kind, be very kind; Bishop, Archdeacon Williams, Mr. Hamlin, Mr. Clark, and all the missionaries, be kind; do not think of taking away all the Europeans; welcome, welcome, Governor, and all of you, you have been very kind; continue to be kind.

Raitara.—Welcome, Governor; natives, be kind to Europeans, and they will be kind to you; I am going to remove to the South; remember, I tell you, you are the commencers of the evil, not the Europeans, be kind to them, all good comes from them; if the Europeans are injured, so shall I; you cannot injure one without the other.

King George.—Natives, be kind, be kind; what is done here at Waimate in the way of kindness, I shall consider as done at Kororarika, where I reside, or to some who reside there; I shall return to the sea side, and shall leave the Europeans of this place with you; be kind to them, they have improved our condition; the Europeans are kind, kind; that is all I have to say to you.

Wai.—Governor and natives, let the talk be good; some time ago we quarrelled, but now the Governor is come, let us cease, there is no cause; the chieftainship rests with one, the Governor; but there is no chieftain like the Bible, its precepts are the best chiefs of the land; let those on sea and land be peace.

Hihiatoto.—I am the man who cut the staff down, do not look after that man Heki; take me as payment; who is Heki? who is Heki? take me.

Rewa.—Welcome all; Governor and all my friends, welcome; I repeat, welcome to all; come and see the opening now made for peace; all my thoughts are about the land and peace; friends, cease to follow me if I do not give good advice; who are we? We have lost all our power through Heki's conduct; what of the Governor coming to us; let him remain at Waikato and govern them; we are not worthy of the Governor on account of our badness; whoever is bad let his badness remain with him; divisions have taken place about religion, they are bad, and so it is; let your strength be on my side, remain, remain; who will take good advice? Remain, Governor, remain.

Paratene Kekeau.—Welcome, Governor, welcome; beloved by whom? by all; welcome, welcome; when will the people be desirous of good? Welcome, Governor; where will or can evil now continue? Who will receive the good now given? Who can quarrel with the Europeans? Who? who? Answer, who will say there is evil? who? Receive good advice; repeat the name of the man who will not; natives are not disposed to receive good, only the Europeans are disposed to good; learn to receive good advice.

Ruhi.—Welcome, welcome, Governor and parents; what are you come to look for, for Heki? here am I; I have had some talk with Heki, he has nothing to say with you as to the thoughts relative to this affair, yours, yours; you think my thoughts are like those of Heki, no, no; you will soon hear; I had some talk with him; I pressed him to come and speak to the Governor; he told me not to be in a hurry; I will not hide any thing from you; Heki thought I went to soften matters, but I did not, quite the contrary; Heki behaved well to me, as an evidence of which he had a pig killed for me; he understood, he said, the request for guns to mean land; the Abuahu he thought was to be the butt-end of them, and the Kaikohe the barrels, the distance ten miles; tell Waka I shall go and have a quarrel with him for the active part he has taken.

Wapuku.—Let us quarrel if Heki is stubborn, let us quarrel if he is stubborn, (meaning thereby to quarrel with Heki and not with the Governor.

Wakarua.—I call upon the tribe, and ask what has Heki to complain of? The Governor has said nothing of Heki that is bad, and done nothing; if he is stubborn, let us quarrel with him.

Karaka.—Listen, natives and Europeans, let the Governor be Governor; some time ago, when we lived upon turnip-tops, we were the Governors, but now we have better food and better things through the Europeans and the Governor; I say he shall be Governor.

Hakera.—Ngapuhi? who is that man who spoke last; he is a child and has nothing to say; Governor, I have nothing more to say, I spoke my mind at Kororarika; I am of the same mind now as then, I am of the same mind as Andrew, who says, peace, peace.

The Bishop, Archdeacon Williams, the Rev. Mr. Maunsell, and the Rev. Mr. Hamlin then addressed the natives at considerable length, and his Excellency appointed an hour the following day to meet some of the chiefs, who were anxious to obtain information on the subject of their lands, such as the right of selling to Europeans, and the decision as to who should obtain the surplus lands of the claimants. A meeting accordingly took place early next day, when all these matters were freely and amicably discussed, and settled to the entire satisfaction of the natives.

Before leaving Waimate, his Excellency received the following letter from Heki, the disaffected chief:

"Friend Governor,—This is my speech to you. My disobedience and rudeness is no new thing, I inherit it from my parents, from my ancestors; do not imagine that it is a new feature in my character, but I am thinking of leaving off my rude conduct towards the Europeans. Now I say that I will prepare another pole, inland at Waimate, and I will erect it at its proper place at Kororarika, in order to put an end to our present quarrel. Let your soldiers remain beyond sea, and at Auckland; do not send them here. The pole that was cut down belonged to me, I made it for the native flag, and it was never paid for by the Europeans.—From your friend.

(signed) "Hone Heki Pokai."

Witnesses:

Rainga Taunga.—William Haw.—Te Hinapure.

Waimate, July 19, 1844.

(True translation) Thomas Forsaith.

His Excellency arrived here yesterday morning in the Government brig. The "Sydney" has been despatched to New South Wales with the troops which she formerly conveyed from that colony. The rest of the troops have returned to this place in the "Hazard."

In publishing the above Report of the settlement of the disturbance at Russell, we cannot conclude without expressing our sincere satisfaction at the happy termination of a quarrel which threatened to assume such a serious aspect, and at the same time conveying to his Excellency what we are sure will be the feeling of every right-minded man in the colony, our thanks and gratitude for the bold, determined, and considerate manner in which he has acted in this emergency. A man of weaker nerve might have shrunk from incurring the great responsibility which must naturally attach to the adoption of a course which may be called extreme, perhaps a stretch of power—but let any sober-minded man consider for one moment

moment what the effect of a different course would have been.—Viewing the matter altogether apart from humanity, let us for a moment contemplate the effects of a war with the natives upon the prosperity of the colony. It is true that, in the end, we might reasonably expect that the natives would be subdued by our superior forces, but in the meantime, and especially from the peculiar character of the country, and the insurmountable obstacles which it opposes to the progress of troops and to all regular military operations, there would be very little prospect of acting against Heki or his party with any success. Our troops might find their way to his pah and destroy his huts, but they could never take his person, neither could they protect any of the out-settlers from the aggressions of the natives. A war with the natives would have the effect of endangering the lives of every European in the country, and destroying the colony itself for many years to come,—but it would also have the effect of entailing on our country the shame, the disgrace, and the great sin of destroying another race of aborigines.

* * * * * England has come to the New Zealanders avowedly to bless them with the light of civilization and knowledge, to impart to them the happiness which results from the practice of religion, and we trust the day will never arrive when they shall feel the edge of the sword instead of the influence of the spirit of our religion.

* * * * * We trust the name of our country may perish from the records of nations when christian England shall again imbrue her hands in the blood of another aboriginal people.

Captain FitzRoy, instead of conciliating the natives by the performance of an act of simple justice, the removal of the cause of complaint, might very likely have raised himself more in the estimation of certain persons had he adopted a different course. He might have saved a little revenue by keeping up the customs at the Bay of Islands, but the attempt to do so would cost England a thousand times the amount before the natives were subdued, and his own name and that of his country would be hatefully remembered as the destroyers of the aborigines of New Zealand. He has acted differently, and we earnestly trust the Home Government will approve of his conduct, but if they should not, he has at least the satisfaction of knowing and believing that the christian people of England will.

We imagine the Governor will call immediately a meeting of the Legislative Council, in order to amend the Customs Ordinance so as to suit the exemption in favour of Russell.

Extract from "The Southern Cross," of 14 September 1844.

The Abolition of Customs at Russell.—Free Trade and its Effects upon the Colony.

As might have been expected, the proceedings which we had the satisfaction of recording last week have not been appreciated by certain persons as they ought to have been. Some men are not satisfied with receiving a good thing unless it is given to them precisely in that manner in which they think it should have been bestowed. If they are even starving for food, they would refuse the bread unless it were given to them by the baker himself. It is impossible to please such persons, and it would be both vain and foolish to attempt it. In this community they are happily few, and it is therefore of small consequence whether they be pleased or displeased, they will readily avail themselves of all the benefits arising from the altered state of things. Although from opposition they would prefer indirect to direct taxation, they will nevertheless endeavour during the sunshine of free trade and peace to make all the hay they can. The war party are perhaps more difficult to satisfy than even the smugglers. Self-interest and covetousness may be appeased and gratified legitimately as well as illegitimately, but it is impossible to stop the mouths of the former, let what will happen, "their voice is still for war," and if they were living under a theocracy itself, their combativeness and destructiveness could scarcely be controlled. These puissant gentlemen are, we understand, mightily offended because we have not raised a hue and cry against the Governor for settling the native quarrel at Russell without the effusion of blood. We are sorry that our very fierce and very brave friends are displeased with us, but we entreat them to remember that we are always pacific. We hate war, bloodshed and strife just as much as they love them. And while we admired the skilful preparations of our friends during the late Kauwau insurrection, we would not conceal from them that certain persons stoutly asserted and maintained that it was the very desperation of their fear, and the total absence of true moral courage which induced them to shoulder their muskets and to employ their gunsmiths; but be that as it may, we doubt much if our brave friends would fight as well in the bush as at the fireside.

We are sorry that any of our friends should be disappointed or displeased at a time when we believe there is great cause for universal rejoicing. That any person should expect that we should quarrel with the Governor for doing the things that we have been recommending ever since we came to the colony is rather absurd, to say the least of it. These gentlemen must surely have forgotten the cause of quarrel with the late Government. In order to refresh their memories, we may be permitted to remind them that we quarrelled with Captain Hobson and Mr. Shortland because of their unjust treatment of the Europeans and natives. Their injustice to the Europeans consisted in their obliging the recently arrived emigrants to purchase inferior lands at a high price, and in depriving the old settlers of their lands without proper or just cause for so doing; and their injustice to the natives was manifested in assuming and claiming a right of controlling them in the disposal of their property, and especially in the establishment of a system of taxation which has been the means of completely destroying the trade of the natives, and rendering themselves

poor, miserable and discontented. For these things we quarrelled with the late Government, and for the removal of these, certain wise heads are displeased because we abuse not the present Government. Our opposition has been consistent, because it was founded on principle, and based upon just causes of complaint, and we value consistency, reputation and moral feeling too much to allow ourselves to be moved or thwarted from our purpose by the passing and inconsiderate discontent of any person or persons. We desire to see New Zealand in such a state as may enable us with a good conscience to invite our friends to settle in it. Until now it has not been in that state. We have striven hard; we have lost much time and much money in endeavouring to assist in bringing about such a desirable state. We have also incurred much ill-will, much hatred and much pain, because of our determination to use every effort to accomplish the perfect emancipation of New Zealand; and now that we see our heart's desire about being, if not almost, accomplished, shall we turn round against our own principles, and say that those who agree with us, and act upon these principles, are doing wrong?—complaining loudly and justly that Captain Hobson and Mr. Shortland ruined the colony; shall we now condemn Captain Fitzroy because he has acted differently from his predecessors, because he has the judgment and the firmness to do justice to the colony? We will oppose Captain FitzRoy (and we have opposed him) when we think he is acting wrong, but we shall support him (reckless of all displeasure) when we know and believe, as in the present case, that his measures are not only in themselves good, but imperatively demanded by the peculiar state of the colony. On principle, we are in favour of free trade. Captain FitzRoy, from a stern necessity to prevent rebellion, bloodshed, war and great expense to the British Government, has been induced to abolish Customs at Russell. He has thereby planted the banner of free trade in one part of the colony, and shall it not wave over the length and breadth of it? We know it shall; the rolling ball has been set in motion on the inclined plane, and we know that even the hand which first moved it is unable now to stop its progress.

We are neither ignorant of, nor insensible to the inconvenience, perhaps loss, sustained by certain persons in Auckland through the abolition of Customs at Russell; but we know that as certainly as the Customs have been abolished at Russell, so certainly must they be abolished in Auckland, and we shall be very much disappointed if the Governor leave this settlement—if many weeks elapse before such a happy consummation take place; he cannot, if he would, prevent it. The same necessity which existed at Russell exists here. Justice at Russell is justice at Auckland and at Akaroa. The discontent is not confined to John Heki, neither are the symptoms of incipient rebellion manifest among the northern chiefs alone; the natives are discontented all over the islands; and had our military attacked the chief Heki, every native chief and native tribe in the country would have joined his standard; and our position and that of our government would have been like that of the French at the presenttime in Tahiti, or of our own government in former times at Ceylon.

The war party might doubtless live to hear of the natives of New Zealand being subdued, and perhaps destroyed by our superior force, but long before such an event could happen, poverty, misery and very bodily fear, would drive them (with all their mock valour) far from the shores of New Zealand. Such men would do well to read the history of Ceylon, and to inform themselves of the trouble, expense and loss of life in subduing in that colony a race of natives, inferior in numbers, in physical strength and in intellect, to the aborigines of this colony. Those who speak about fighting natives, know very little of what they are talking of, or the effects that such fighting would produce upon the colony, and upon their own circumstances. They also know little about the power of even a handful of men in such a country as this, covered with dense impenetrable forests, intersected with deep rivers, abounding with impassable swamps, and defended by steep and inaccessible hills. The operations of disciplined troops would be just as effectual against the natives of this colony as the arms of ancient Rome were against the Caledonians in former days. The Maori of later days might point to a spot, perhaps the portage of the Manakau, where the Britons built a wall to defend themselves against the incursions of the Waikato tribes, and the Waikato tribes, like the present Highlanders, might pride themselves in the fact of their ancestors having defied the legions of Britain, as the former did those of Rome; and the philosopher and moral historian would dwell upon the folly, the impolicy and the sin of the ancient Britons, in attempting such a conquest as that of New Zealand. These are some of the views in which we would desire that our readers should consider the late transactions at Russell. Feeling should be thrown aside. Calm reflection and judgment should alone be permitted to decide upon conduct involving serious consequences; and it is only to the calm, the wise and the humane, that Captain FitzRoy can appeal in favour of the policy he has pursued. The rash and unreflecting, and especially those who care nothing about the colony, may disapprove. But who would seek or expect the approbation of such? When they approved, it might be a warning to reflect, and to believe that there was something wrong.

The petition in favour of increased Customs duty was the production of the war, the anti-Native and anti-European party. In an evil hour that petition was listened to, and behold the result. The accumulation of wrong under that system has hastened the downfall of the whole, and so will it ever be.

We congratulate the colony sincerely and heartily upon the recent events at Russell. To the people of Auckland, Wellington, Nelson and every other settlement in the colony, we pledge as a matter of necessity and inevitable consequence, the same boon; and to the colony generally we anticipate much prosperity. Ships, trade, commerce and capital will
now

now freely visit our colony; and instead of looking in misery at one another, and bewailing our misfortunes, no one will pity or envy another, for we shall be all prosperous and happy; and we shall be in a condition to invite our friends, and our friends' friends, to come and share the good things with us. Our land shall be flowing with milk and honey, and our corn and our oil shall abound to us. We shall not even require the use of copper, manganese, or tin; we shall send them to the inhabitants of far off countries.

Extract from "The Southern Cross," of 21 September 1844.

PROCEEDINGS of the LEGISLATIVE COUNCIL, Thursday, 19 September 1844.

His Excellency then laid on the table a Bill to abolish the Customs, and to lay a tax or rate on all property. He would premise, that the idea of abolishing Customs in new colonies was not new to the Home Government; the subject was brought under Lord Stanley's consideration last April twelve months; but he was not prepared at that time to sanction any change of so important a character. He (the Governor) came out prepared to carry it at some convenient opportunity; with that view he had proposed certain direct taxes to meet the expenses of the Government establishment, which he had not thought fit to reduce, believing such expenditure necessary. The Company's failure, and other circumstances, had since then very much altered the state of affairs. When he (the Governor) came out, he anticipated an extension of settlements, where Government officers would be required; he therefore did not think it proper to destroy the ground-work of a Government sanctioned at home. He was yet ignorant of the amount of assistance we should receive from the Home Government; 7,565 *l.* he knew was voted for this colony; but he was sure we should be assisted to a much larger amount. Seeing from the suspension of the Company's operations we should have no extension of settlements, it would be to the benefit of all if our settlements were concentrated; in that case he thought the expenditure could be reduced at least one-third: 18,000 *l.* per annum was the utmost amount of revenue he could expect to raise for the next two years. He thought it his duty to raise that sum if possible; that amount, and the 7,600 *l.* from home would be 25,000 *l.*, which might be considered as the lowest expenditure. Certain branches of the Government were provided for by the Home Government; with those he should not interfere; but with reference to the other branches of colonial expenditure, he now took the earliest opportunity of making it known that certain officers not paid by the Home Government would not be required after the end of this year. The nature of the alterations he would lay before them on Tuesday next. The case of the officers in the Customs would be considered after discussing the measure he was about to propose. The principal reasons urged on Lord Stanley as to the impossibility of establishing Customs in the colony, were the nature of the coast, indented with numerous harbours, accessible night or day; so that smuggling could not be prevented. We had also recently seen a striking instance of the natives' objection to Customs, and he thought it better to make the alteration at once. Another reason urged was the expense. No doubt the revenue was considerable the first year, when the settlers had money, but now, unhappily, the case was different; he did not think the revenue derived this year from the Customs would exceed 12,000 *l.*, the collection of which would be at least 4,000 *l.*, leaving 8,000 *l.* only for the purposes of Government; he hoped with the assistance of Council to prepare a measure that would raise certainly more than 8,000 *l.*, and not inconvenience the public. The subject of direct taxation had engaged much of his (the Governor's) attention, as also that of the learned Attorney-general; that, in order to give the public time to think of the measure, he would suggest the Bill should be then read a first time only, and a second time on Tuesday next. His Excellency proceeded to point out the advantages of free ports; instanced the prosperity of Ceylon, Malta and Gibraltar, and said that there were nearly 600 ships in the Pacific Ocean, who would, when the ports were open, rather come to New Zealand for their supplies than go to such unsafe places as the Feejees and other unfriendly islands; that it would also encourage capitalists to come to this colony, as he considered its resources superior to those of most parts of the globe; and could he keep out of sight the temporary inconvenience and loss which must be sustained by some parties, he would hail this measure gladly.

The Bill was read a first time, and ordered to be read a second time on Tuesday next.

His Excellency laid on the table a Bill to confirm the Rules of the Supreme Court, which was read a first time, and ordered to be read a second time on Tuesday next.

[The Council adjourned to Tuesday next, at 11 o'clock.]

Extract from "The Southern Cross," of 28 September 1844.

PROPERTY RATE ORDINANCE.

WE hail the passing of the above ordinance as being perhaps the nearest approach towards a fair and rational system of taxation which has ever been adopted by any country, and as a most decided improvement on any plan hitherto acted upon, either in our native land, or in any of the British colonies. To New Zealand, although the youngest of England's colonies, belongs in this respect, the credit of having made an advance in liberal

and enlightened legislation, which the other colonies would do well to imitate. It may however be said (and we shall not deny the truth of the assertion), that we have advantages and facilities which do not belong to other countries, in the fact that we are young and almost laying the foundation of our system of future Government and laws, and that no old institutions, no vested rights stand in our way. These are precisely the reasons why we should, and why we have now adopted a better system of Government than any of the other colonies. But let it not, however, be supposed that the Government of this colony have had no difficulties to contend with. We may safely assert that no Governor of a British colony has ever had more difficulties to contend with than Captain FitzRoy since he took the management of the Government of New Zealand. In ordinary cases, the Governors of colonies have merely to keep in operation the machinery of a Government already tried and established; if they are possessed of anything like common sense, common prudence and experience, the work of governing is easily performed. He who lays the foundation of a new colony has somewhat of a more difficult task and labour to perform. He has to originate and to adapt his laws and institutions to the peculiar circumstances and requirements of the country and people he governs. Captain FitzRoy has had something more than either to perform; he has not only had to originate new laws and new institutions, adapted to the state of the colony, but he has had to remove an immense mass of rubbish which opposed and stood in his way. He has also had to restore its value to property depreciated, if not destroyed, by his predecessors, and he has thereby created something in the colony which can and ought to contribute to the maintenance of Government.

Every single act and deed of the late Government, and almost every law which they passed, were directly opposed to the general spirit of enlightened policy, specially inapplicable to the circumstances of this colony, and decidedly subversive of the peace, happiness and prosperity of the two races. Whatever may be thought by persons at a distance, or by unthinking and rash people in the colony, the labours of the present Governor have been truly herculean. In the words of a late Rev. Gentleman, we may say, that not only was "the Augean stable of human wickedness given him to cleanse," but also that "the furious wild beasts of human passions were appointed him to tame." He had not only to remove and to rectify all the deep sources of discontent and misery, as far as the Government was concerned, but he had also to soothe and to pacify much individual unhappiness and strife among the two races. The Europeans, as well as the natives, were harassed and oppressed by the innumerable acts of injustice perpetrated by the late Government. The lands and properties of the former were either altogether confiscated, or at least rendered valueless; and the latter were in a state of almost actual rebellion. The measure recently passed by the Council is only one among many others, for the purpose of maintaining peace, and establishing good government. And while it must and will give satisfaction to every person who is really interested in the prosperity of the colony, and who reflects upon its present position, it would nevertheless be absurd to suppose that some one could not be found to find fault. There are some even residing in the colony who have no interest in it, and whose tempers are such, that even when they dare not, and cannot bite, they will yet snarl. Perhaps for this they expect to be noticed, and if so, they are pleased. That any one whose intellect was not swimming in a doubly distilled flood of folly, could for an instant doubt as to the advantages to the people of this colony in the present taxes, compared to the late Customs' duties, we cannot, and we will not believe. We ask the poor man, the labourer and the mechanic to say whether it is not better to eat untaxed bread, to drink untaxed tea, and to put on an untaxed coat, than to pay heavy duties for the same. We will even ask the drunkards themselves. We will put it to the Waipiro mob, and let them answer in a sober moment, and we are certain they will speak in favour of direct taxes. The poorest man in the colony, under the former system, paid as much as the richest, perhaps more. He is now exempt from all taxes, and the rich are made to pay. Will he, therefore, complain, and say that he is unjustly dealt by? Certain persons, crushed and groaning under a weight of fancied patriotism, and thinking to delude the people into a belief that the mantle has at last fallen upon their shoulders, accuse us of being supporters of the present Tax Bill, and of the present Government. We at once plead guilty. We honestly approve of the present system of taxation; we have ever done so; we have spent our time and our means in endeavouring to procure a rational system of taxation. The Government have in an enlightened manner consented to adopt such a system, and we, as a matter of course, support them with our whole might, oppose them who will, so long as we honestly and conscientiously believe, as in the present case, that their measures are calculated to benefit the colony. Our opposition to and support of Government had never any other end, and so long as we have any connexion with "The Southern Cross," or any periodical, we keep that end before us as our polar star. That, and that only, is the magnetic influence by means of which our compass has been or shall be directed and attracted.

In regard to the Property Rate Ordinance, we maintain that it is the nearest approach to a system of fair and impartial taxation that has perhaps been ever established in any country without an inquisitorial investigation into the state of a man's affairs. We do not, however, assert, that it is altogether consistent with the full exercise of justice; it could not be so without an exposure which few would consent to submit to. But keeping in view the two principles of justice and the non-exposure of men's circumstances, we maintain that this measure is nearly as impartial and just as it is possible for an enactment

enactment to be. It is a combination of the three primary objects or subjects of taxation, life, income and property. The first it scarcely, or at all events very lightly affects. The second as being partly the result of industry, or the use of the mental and bodily faculties enjoyed by means of the existence secured to us, and partly the proceeds arising from property, is a little more affected than life. The income part of the tax is in fact heavier than the poll. The third, or property of whatever kind, bears the main burden of the tax, as fairly and as equally as it is possible to make it do so consistent with the principle already stated. And the happy combination of the three serves to throw that mantle of obscurity over the state of men's affairs which is deemed it may be justly so necessary to do in a new colony, where credit, enterprise and energy form, generally speaking, the largest portion of the stock in trade of most men. And to preserve still further the inviolability of this principle, the rate of composition is so moderate that no man of ordinary means can suffer by paying it, and thereby prevent every possible clue to his real estate or income.

Such is the aspect in which we would desire that our readers would view this subject, and having rationally reflected upon it, we defy them, if they are sober men, not to agree with us. We are convinced they will not only agree with us, but that they will go still further, and feel that they and every other man in the colony are deeply indebted to the Governor and the Legislative Council for having emancipated the colony and the commerce of the country from the iron yoke of Customs and Customs' officers, and for having broken the bars, and opened wide the doors of the dungeons in which free trade has hitherto been bonded and enchained. Free trade will now sally forth from New Zealand, her happy home in the Pacific, and travel over the lovely islands which "gem the Southern Ocean's brow" to collect her pearls, her spices, and her richly fragrant oils, for the purpose of depositing them in her own sanctuary in New Zealand.

Extract from "The Southern Cross," of 28 September 1844.

PROCEEDINGS of the LEGISLATIVE COUNCIL, Tuesday, 24 September 1844.

PROPERTY RATE BILL.

THE Attorney-general moved the order of the day for the second reading of this measure. He said, it consisted of two features: one of abolishing all duties of Customs; the other of raising a revenue on property. The principal feature, in his opinion, was that of abolishing all Customs duties, which he regarded as an attempt to aid nature in developing the resources of this colony, by opening the ports to the shipping. It was suggested to Captain Hobson that the Customs was the least objectionable source of revenue; and while a dependency of New South Wales we were under their Customs Bill; it could not be expected they would give our ports any advantage over theirs. After the separation, a Customs Ordinance was adopted, which was little more than a copy of the New South Wales Act; and under that system we should have continued, had there not fortunately a change been called for. This colony was peculiarly adapted for the whaling trade, it being in the heart of the fisheries. The learned gentleman read a long extract from, as we understood, the evidence of a Mr. Enderby, connected with the South Sea fisheries; showing how impolitic port charges on shipping would be, if imposed on shipping visiting New Zealand; also an extract from a report on Port Essington, pointing out the great advantages that would accrue to that settlement by having free ports, in consequence of its vicinity to the fisheries; and he (the Attorney-general) considered this colony in precisely the same circumstances; for himself, he had always said and thought that the ports should be entirely open; the advantages of which had been so ably pointed out by his Excellency at the first reading of the Bill, that he (the Attorney-general) did not think it necessary to take up the time of the Council by going more into the subject; he would just mention that he had received an invitation to attend a meeting of the agriculturists, to be held that day at 11 o'clock, to whom he had sent an apology, acquainting them that he considered he was serving them better by attending to promote this Bill in Council than at the meeting; all they wanted was a Home market for their produce, which by this measure would be secured, and the shipping would bring us goods from all parts of the world in abundance, in exchange for our minerals and other productions. He knew many people supposed that in abolishing Customs we were throwing away a revenue of 20,000 £, but such was not the case; shipping was decreasing every year, and he believed he might assert that the Customs for this year would not exceed 10,000 £. This measure was not inquisitorial, it trusted to the honesty of the individual to say how much his property was worth. If the person valued his property at 500 £. and his income at 200 £. he, the party in question, would have to make a return of 700 £., and he (the Attorney-general) hoped the measure would be received with the same good feeling as it was offered.

Dr. Martin fully concurred with what had fallen from the learned Attorney-general. He, Dr. Martin, hailed the measure with great joy, and congratulated his Excellency and the Council that an attempt was now made to raise a revenue on a just principle. Every enlightened man in the mother country was in favour of free trade, but unfortunately vested rights interfered. In a new colony there were no vested rights, and shifting the taxes from one source to another could not cause much inconvenience. Indirect taxes might suit some countries, but any person acquainted with New Zealand must at once see

they do not suit us. Smuggling in this colony could not be prevented; and with smuggling came crime; another thing was the great objection of the natives to Customs. He knew there were some parties who wished them to be considered an inferior class, and consequently no deference should be made to their feelings or opinions. He did not mean to inquire how we came possessed of this colony, but he did believe that the Home Government, in taking possession, were actuated by the purest and best of motives—a wish to benefit and preserve the aborigines. They could have no other motive. They were already in possession of much larger and richer territories than New Zealand. Extension of territory could not therefore be the object they had in view; they must have had much higher motives than mere conquest in seeking to possess this colony. The honourable member proceeded to show how unequally the Customs affected the natives. Those living near the coast where smuggling was carried on could get their articles of trade at a considerably less price than those located near the settlements at Auckland, Port Nicholson and Russell; and it was not surprising that they should be dissatisfied. We might certainly, with our superior power, put down that dissatisfaction, but if the Customs were felt to be a burthen, it would be more just and charitable to remove them, than to resort to harsh measures. Under the old system, he who had the largest property might escape paying his proper share towards the maintenance of the Government; the poor were the most heavily taxed; and if we have a Government, it is only fair that every person should contribute towards the support of that Government. This Bill made every one contribute fairly and justly, without resorting to any extraordinary means or prying into their affairs; therefore the benefit of secrecy in the Customs Bill was preserved in this Bill, and the public knew that every person contributed, and knew also how much they would have to pay, which under the old Bill they did not.

Mr. Brown expressed his great satisfaction to see the present measure before the Council; in his opinion it transferred the burthen of taxation from the poorer classes to those who could afford to pay. Under the present Customs Bill the poor man paid about 4*l.* per year; this Bill reduced it to 1*l.* He approved of the plan of amalgamating property with income.

Bill read accordingly.

Clauses 1 and 2 put and carried.

Clause 3, on the motion of Dr. Martin, was amended, so that property should be rated as the marketable value thereof, and not as the owner might think fit.

On clause 4 being put, which defines what income is liable, Dr. Martin objected to taxing income derived from property in other countries; such property he had no doubt paid its share of the taxes in the country where it was situated.

The Governor considered parties living in this colony on incomes derived from other countries should contribute their share, as they were released from all the rates and taxes to which they would be liable at home; and the small rate of 12*l.* could never injure any one who drew his income from extraneous sources not colonial.

The Colonial Secretary considered the clause in perfect accordance with the property tax in England.

The Attorney-general.—We are shifting the taxes from one source to another, and say every man shall pay accordingly as he can afford. A poor tradesman or clerk with 50*l.* a year we tax, and certainly a man with 300*l.* a year derived from property in other countries could better afford to pay than the clerk.

After some further remarks from Dr. Martin, the clause was carried.

Clause 5, which allows parties to compromise by paying 12*l.* per year, was deferred till the Schedule and the scale of rates was fixed.

Clause 6 allowed.

Clause 7, stating when returns should be made, having reference to the Schedule, was also deferred.

Clause 8, making property liable sent to agent or consignee, gave rise to a long desultory discussion, and was, on the motion of the Governor, postponed for further consideration.

Clauses 9, 10 and 11, having reference to the same, were also postponed.

Clause 12, which makes the party making a false return guilty of a misdemeanor, as objected to by Mr. Brown, who thought a fine of 20*l.* preferable, and would be more effective.

The Attorney-general.—A man might not mind paying the fine, but would not like to be placed in the dock to be tried for a misdemeanour; he thought the latter more effective.

Dr. Martin could not see how it could be made a misdemeanor, seeing a man was left to value his own property. He was sure not one case in a hundred could be proved, and to prosecute an individual, if the case could not be brought home, would throw discredit on the Government, who would be thought tyrannical, and would cause a great amount of sympathy for the accused. He was in favour of the pecuniary fine.

The Attorney-general.—The clause was consistent with the usages at home, and the Bill should be stringent, or it might be disallowed.

At the suggestion of the Governor, a slight alteration was made in the wording of the clause, which was agreed to.

The remainder of the clauses up to clause 22 were, with some slight alteration, allowed.

Dr. Martin said, it appeared the Bill did not give the power of appointing collectors to collect the rate; a clause to that effect would be necessary.

After some discussion, a new clause to that effect was, on the motion of the Attorney-general, put and carried.

The

The remaining clauses were allowed.
Form of Return was slightly altered and allowed.

SCHEDULE.

Mr. Brown proposed an amendment to fix one uniform rate, increasing 1*l.* every 100*l.*, up to 800*l.*; above that, the rate to be 12*l.*

After considerable discussion, the further consideration of the Schedule and the amendment was postponed.

On the motion of the Governor, clause 12 was reconsidered and amended, so that over-estimating the rate should not be a misdemeanor.

Further consideration of the Bill postponed till Thursday next.

SUPREME COURT RULES' BILL,

Was, on the motion of the Attorney-general, read a second time, and ordered to be read a third time on Thursday next.

MILITIA BILL.

The Governor, in moving the first reading, said it was for the Council to say whether they would give him that power, but he was authorized by the Home Government to lay it before them.

Bill read accordingly.

The Governor moved that it be read a second time on Thursday next.

Dr. Martin wished the Bill postponed, to give time for consideration; he did not see any necessity for such a body being formed, as we had nothing to apprehend from the natives, whom he thought might grow suspicious and troublesome, if a militia were organized.

The Attorney-general was so strongly opposed to the Bill, that he would have been glad if the honourable member (Dr. Martin) had moved it to be read that day six months. It was true, the measure was suggested by the Home Government, but it was for the Legislative Council to decide upon the necessity.

The Colonial Secretary was opposed to the Bill.

Mr. Brown considered if militia were formed we could not compete with the natives, and thought it would have the effect of rousing their angry passions.

The Governor's opinion against the extreme impolicy and imprudence of the measure was so decided, that had it been entertained by the Council, he should have remained passive till called upon to give his assent, which he most certainly should have withheld. It was his duty, however, to propose it; but in the present state of the colony he would not have given his assent.

On the motion of Dr. Martin, Bill was ordered to be read that day six months.

[Council adjourned till Thursday next, at 11 o'clock.]

Extract from "The Southern Cross," of 28 September 1844.

PROCEEDINGS of the LEGISLATIVE COUNCIL, Thursday, 26 September 1844.

THE Governor, before moving the order of the day, said he wished to give notice to the Council, and to make as public as possible the nature of the arrangements in contemplation for the ensuing year and years following, in the event of receiving no assistance; It was the desire of all in the service of the Government that the alterations should be made. With reference to those whom the alteration would effect, the reductions would be in the following departments:

	£.
Superintendent of the Southern Division - - - - -	150
Customs abolished - - - - -	4,000
Supreme and Local Courts - - - - -	1,020
Sheriff and Gaols - - - - -	170
Public Works, about - - - - -	500
Postage - - - - -	100
Land Claims Commissioners - - - - -	2,000
Magistrates and Police - - - - -	400
Survey - - - - -	560
Protection of Aborigines - - - - -	300
Land purchasers - - - - -	800

Greater reductions he could not make of the departments; some were provided for by the home Government, and not affected by the proposed reductions.

The Customs, although disposed of, it was his intention to keep the officers on pay till the end of the year, as there were many ways in which they could be employed, and he thought it only fair and just that they should receive one quarter's notice. The reductions in the supreme and local courts would consist chiefly in dispensing with three Commissioners of the court of requests and their subordinates, which it was intended to appoint; there would be only two, one for the northern and one for the southern districts,

tracts, the Court of Requests Bill giving him (the Governor) power to appoint parties to act as Commissioners in many places in the absence of the Commissioners. The reduction in the Commission of Land Claims would be the salaries of the Chief Commissioner and Commissioner Godfrey; he thought by the end of the year, that their services could be dispensed with, as the claims were nearly all settled. The item for Land Purchase would be discontinued, unless special funds were provided by the home Government. The reductions he had mentioned could only be considered as a proposition, amounted altogether to 10,000*l.*, and he was happy to say, very few individuals would suffer, except in the Customs. The expenditure for this year was estimated at 36,000*l.*; for the next, 26,000*l.*, from which we might deduct 10,000*l.*, which he was sure would be provided by the home Government, leaving 16,000*l.* to be provided for by the colony; should, however, the amount of expenditure, though a very wrong estimate, reach 40,000*l.* this year, the proposed reductions of 10,000*l.* would leave it at 30,000*l.*, from which we might deduct the 7,000*l.* which we knew was already provided by the home Government, which would leave 23,000*l.* to be raised in the colony; these might be considered as a maximum and minimum, 16,000*l.* would be the lowest, and 23,000*l.* the highest sum we should have to raise. Should we, however, be unable to provide for the expenditure in either case, he should propose to charge a per centage from 4*l.* to 10*l.* per cent. on the salaries paid by the colonial government; about six per cent. he thought would be sufficient; he was looking at the question in every possible view. His own opinion was, that 16,000*l.* would for several years be lent to the colony by the home Government, and that 16,000*l.* or 18,000*l.* would be the most we should have to raise. The ways and means to raise which appeared to him, supposing the Property Rate Bill to become law, would be for—

	£.
The Rate on Property - - - - -	8,000
Land Titles and Crown Grants - - - - -	2,000
Registering of Deeds - - - - -	300
Law and Police Fees - - - - -	500
Auctioneers' Licenses - - - - -	500
Publicans' ditto - - - - -	2,000
Incidental - - - - -	500

Making 14,000*l.*; he would not estimate the colonial revenue, from all sources, at more than 14,000*l.* for the ensuing year, to which we might add 10,000*l.* more from the Home Government; if that proved to be the most we could raise, further reductions must take place. He was sure before the end of the year to receive instructions on the subject; until then he could not say what would be done.

His Excellency then laid on the table a copy of the proposed alterations for the information of the Council.

PROPERTY RATE BILL.

The Colonial Secretary moved the further consideration thereof.

Clause 3 was, on the motion of the Attorney-general, slightly altered, and passed.

Clause 4 was also amended, making it more clear the nature of income liable.

On the motion of Dr. Martin, the further consideration of the clauses was postponed till the Schedule, containing the scale of rates, should be agreed on.

The Schedule, after a long discussion, was, on the motion of Mr. Brown, amended and passed.

Clause 5 read and agreed to.

Clause 7, calling for yearly returns of the amount of property and income possessed by each individual, gave rise to a long discussion. Dr. Martin moved as an amendment, that the returns be quarterly, but subsequently withdrew the amendment. Clause allowed.

Clause 6 amended, so that parties wishing it may pay the rate for the year in advance.

Clause 8, rating property consigned to agents on sale, was opposed by Mr. Brown, on the ground that property so consigned did not usually remain in the possession of the agents more than three months before it was disposed of, and became the property of the colony, and liable to the rate.

The Governor took the same view; thought the Council should confine itself to persons and property in the colony.

After some further discussion, in which all the members took a part, the clause was erased.

Clauses 9 and 11, having reference to the same subject, were also erased, and clause 10 amended and passed.

The clauses were then read *seriatim*, and the Bill ordered to be read a third time on Saturday next.

On the motion of the Governor, the Bill confirming the rules of the Supreme Court was read a third time and passed.

[Council adjourned to Saturday next, at 12 o'clock.]

NEW ZEALAND.

COPIES or EXTRACTS of DESPATCHES from the
Governor of *New Zealand*, received since those
last presented to Parliament.—(14 March 1845,
Sess. Paper, No. 131.)

(*Mr. Charles Buller.*)

Ordered, by The House of Commons, to be Printed,
22 April 1845.

[*Price 1 s. 9 d.*]

247.

Under 28 oz.

NEW ZEALAND.

**RETURN to an Address of the Honourable The House of Commons,
dated 10 June 1845;—for,**

**“ COPIES or EXTRACTS of DESPATCHES from the Governor of *New Zealand*,
received since those last presented to Parliament”—(22 April 1845, Sess.
Paper, No. 247).**

Colonial Office, Downing-street, }
11 June 1845.

G. W. HOPE.

(*Mr. G. W. Hope.*)

Ordered, by The House of Commons, to be Printed,
12 June 1845.

SCHEDULE.

No.	DATE.	SUBJECT.	PAGE.
1. Governor FitzRoy to Lord Stanley	16 Sept. 1844	Reporting alteration in the arrangement of the Post-office Department in New Zealand - - - -	3
2. Governor FitzRoy to Lord Stanley	29 Sept. 1844	Respecting the abolition of Customs Duties in the Colony, and explaining the circumstances which led to the immediate execution of that measure; enclosing Ordinance for imposing a Rate on Property and repealing the Customs' Ordinance, and Copy of Harbour Regulations -	11
3. Governor FitzRoy to Lord Stanley	5 Oct. 1844	Advising of Bills drawn to the amount of 902 <i>l.</i> 17 <i>s.</i> 6 <i>d.</i> -	20
4. Governor FitzRoy to Lord Stanley	14 Oct. 1844	Enclosing Minutes of Council and Proclamation respecting the purchase of Land from the Aborigines - - -	20
5. Governor FitzRoy to Lord Stanley	14 Oct. 1844	Respecting the New Zealand Company's purchase of Land at Port Nicholson - - - -	27
6. Governor Fitzroy to Lord Stanley	15 Oct. 1844	Transmitting the "Blue Book" for 1843, explaining reasons of its delay - - - -	28
7. Governor FitzRoy to Lord Stanley	15 Oct. 1844	Referring to the state of the Colony at the end of 1843, and the condition to which it was reduced, notwithstanding its extraordinary natural resources, with Memorandum on the Products of New Zealand - - -	28
8. Governor FitzRoy to Lord Stanley	16 Oct. 1844	Further explanation of the urgent necessity for the issue of Debentures, and the making them a legal tender pending the sanction of Her Majesty's Government, enclosing Address of the Governor to the Legislative Council at Adjournment - - - -	30
9. Governor FitzRoy to Lord Stanley	19 Oct. 1844	Enclosing Documents respecting another Disturbance at the Bay of Islands - - - -	31
10. Governor FitzRoy to Lord Stanley	21 Oct. 1844	Relative to intended proceedings, and transmission of Despatches - - - -	40
11. Governor FitzRoy to Lord Stanley	22 Oct. 1844	Reporting on all Ordinances passed in New Zealand during the year 1844, Sessions 3 & 4 - - -	40
12. Governor FitzRoy to Lord Stanley	22 Oct. 1844	Forwarding Letters from the New Zealand Company's Agent at Nelson, and from the Manager of the Branch Bank at that Settlement, with two Memorials - -	46
13. Governor FitzRoy to Lord Stanley	10 Dec. 1844	Transmitting Correspondence on a purchase of Land at Otago by the New Zealand Company (with Plans) -	54
14. Governor FitzRoy to Lord Stanley	16 Dec. 1844	Forwarding Copy of a Letter from Mr. Hogg, and recommending him to Lord Stanley's notice - - -	72
15. Governor FitzRoy to Lord Stanley	18 Dec. 1844	Forwarding Reports relative to the Aborigines of New Zealand - - - -	73
16. Governor FitzRoy to Lord Stanley	19 Dec. 1844	Improvements in the general state of the Colony; that the practical working of the Land arrangements answer the Governor's expectation; enclosing Memorandums on the Arrangements of the Land question at Taranaki, and the Territorial Rights of Natives when in captivity, &c. - - - -	99

COPIES OF EXTRACTS OF DESPATCHES from the Governor of *New Zealand*.

— No. 1. —

(No. 33.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

My Lord,

Auckland, 16 September 1844.

AN unceasing press of urgent duties has occasioned so many unavoidable omissions in my correspondence with your Lordship, that my delay in reporting the Post-office arrangement I am about to mention, will not, I trust, be considered so reprehensible by your Lordship as it is vexatious to myself.

In the month of June last, the acting collector of Customs, Mr. Peter Dods Hogg, an active and intelligent, as well as zealous and trustworthy officer, stated to me that he found it quite impossible to carry on the duties of the Post-office department efficiently, and at the same time devote sufficient attention to the department of Customs.

Being quite aware that the duties of the Post-office had been hitherto done, since its connection with the Customs, principally by a clerk, and that the acting collector of Customs had only been able to exercise a nominal control, his time being always so fully engrossed by his duties as the collector of Customs, and that in consequence there had been and could hardly be expected to be, any improvement in the arrangements so necessary to be closely watched and considered in a new country under very peculiar circumstances, I recommended Mr. Hogg to write officially to me on the subject.

He did so, and on the 1st day of July I appointed Mr. Felton Mathew, the police magistrate at Auckland, and formerly surveyor-general in this colony, to execute the duties of acting Postmaster-general in this colony until your Lordship's decision could be made known.

The correspondence on this subject having been transmitted in duplicate to the Postmaster-general, I will only draw your Lordship's attention to the subject, and request that the accompanying extract from the minutes of the Legislative Council may be transmitted to the Postmaster-general for his Lordship's information, as it conveys, in a short compass, a general view of the existing state of the Post-office arrangements in this colony.

I have, &c.

(signed) *Robt. FitzRoy*, Governor.

No. 1.
Governor FitzRoy
to Lord Stanley,
16 September 1844.

No. 1.
Mr. Hogg,
26 June 1844.

No. 2.
16 July 1844.

Enclosure 1, in No. 1.

Sir,

General Post-Office, Auckland, 26 June 1844.

I HAVE the honour to request that you will have the goodness to inform his Excellency the Governor that I find it almost impossible to devote such an amount of time and attention to the duties of this most important department as it appears to me to require.

His Excellency will be aware, that the Post-office in this colony has been placed under the general control of the Postmaster-general of Great Britain; and that the rates of postage chargeable are regulated by a warrant of the Lords Commissioners of Her Majesty's Treasury, dated the 31st day of August 1841, in virtue of the Act 3 & 4 Vict., c. 96.

By a letter from the Honourable the Commissioners of Her Majesty's Customs, dated 28 October 1841, transmitting a copy of a letter from Sir George Clerk, one of the Secretaries to the Lords Commissioners of Her Majesty's Treasury, dated 19 October 1841; the late collector of Customs, Mr. Cooper, was directed to take upon himself, the conducting of the business of the Post-office in this colony.

369.

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The

Encl. 1, in No. 1.

The carrying out of these instructions, however, was suspended on their being first received, in consequence of the law officer of the Crown here being of opinion that the local Ordinance for regulating the business of the Post-office was not superseded by the Treasury warrant.

On 5 September 1843, the late collector received another letter from the Board of Customs, dated 31 January 1843, forwarding a copy of a letter from one of the Secretaries to the Treasury, dated 24 January 1843, intimating that, on intimation being received by Her Majesty's Colonial Government of the disallowance of the Post-office Ordinance of New Zealand, directions would be given by the Government of New Zealand for carrying into effect the original instructions conveyed to the collector of Customs. Full instructions were also forwarded by his Lordship the Postmaster-general with regard to the mode of conducting the business of the department.

I beg leave to enclose, for His Excellency's information, copies of the letters above referred to, from the Secretary to the Treasury to the Board of Customs, and of the letters of the Board of Customs to the late collector; also of the Act of Parliament and Treasury warrant before referred to.

£. 500.

On my appointment as acting collector of Customs, I accordingly undertook, at the same time, the duties of acting deputy Postmaster-general, and, agreeably to the Post-office instructions, I named sureties in the United Kingdom in the sum of five hundred pounds, for the due and faithful performance of the duties of the office.

The late collector, Mr. Cooper, having tendered his resignation to the Officer lately administering the Government, only a few days after he had entered upon the duties of his new office, the department was placed under the charge of Mr. Connell, the former Postmaster-general of the colony, from the 20th September until my arrival here on the 8th November. But in consequence of a considerable part of Mr. Connell's time having been occupied in the Colonial Secretary's office up to my arrival, I found that the department had not yet been properly organized, nor the officers fully instructed in the duties. These being indeed new to myself, a very great deal of time and labour required to be devoted to the subject; and with the very valuable assistance of Mr. Connell, a full code of instructions, simplifying and explaining doubtful or unexplained points in the English instructions, were prepared and forwarded to the different postmasters in the colony, it appearing to me to be of the utmost consequence, where all the officers were inexperienced in the new duty, to secure, in so far as practicable, uniformity of system.

Although I devoted, for a long period after my entering upon duty here, nearly double the number of hours fixed for the performance of the public business of the Customs and Post-office, I still felt that I could not keep up that thorough acquaintance with the state of the business of the Post-office department, which I considered necessary for its efficiency. But I hoped that, when the duties became more thoroughly known by the different officers, the amount of labour and care on my part would be very materially diminished; although this is now in some measure the case, I cannot yet feel that it is in my power to afford that amount of attention to the duties of the Post-office department that it requires. And I am fully persuaded that there is no one who can fully estimate the very great amount of business which the duties of the Custom's department of this Colony entails on the collector, who would not come to the same conclusion.

Although the amount of the Customs revenue in this colony, is not considerable, the duties of the officers, especially at the head office, are more laborious than might be readily supposed. There is a constant and extensive correspondence required with the out-ports of Wellington, Nelson, New Plymouth, Russell, and Akaroa. And it is necessary for me to examine and arrange the accounts of these ports prior to their transmission to England, a duty attended with a great deal of trouble.

I have deemed it my duty to bring these circumstances under the consideration of his Excellency, in the hope that, should my reasons appear to be sufficiently strong, his Excellency might be pleased to make some arrangements by which I might be relieved of the duties of the office of acting deputy Postmaster-general.

I have, &c.

(signed) *P. D. Hogg,*
Acting Dep^y P. M. Gen^l.

The Honourable the Colonial Secretary.

Gentleman,

Treasury Chambers, 19 October 1841.

I AM commanded by the Lord's Commissioners of Her Majesty's Treasury to acquaint you, that they have been in communication with the Postmaster-general on the subject of arrangements for the management of the Post-office business at New Zealand, and that it has been considered, that the duties of Postmaster in that colony, might for the present be performed by Mr. Cooper, the collector of Customs under the general control of the Postmaster-general, without any charge to the public.

His Lordship has in consequence, framed preliminary instructions for the guidance of that officer (which are herewith enclosed), and my Lords desire you will forward the same to Mr. Cooper, and enjoin him to take care that the same are in all respects duly observed.

I am, &c.

(signed) *G. Clerk.*

The Commissioners of Customs.

(No. 27.)

Custom-house, London, 28 October 1841.

LET the Collector at New Zealand take care that the directions contained in the foregoing copy of a letter from Sir George Clerk (one of the Secretaries to the Lords Commissioners of Her Majesty's Treasury) be duly obeyed.

By order of The Commissioners,
(signed) *J. Scovell.*

Gentlemen,

Treasury Chambers, 24 January 1843.

Having laid before the Lords Commissioners of Her Majesty's Treasury, your report of the 17th instant on the subject of arrangements for the duty of the Deputy Postmaster-general at New Zealand, being conducted by the collector of Customs, I am commanded to acquaint you, that my Lords have recently had under their consideration the Ordinance of the Governor and Council of New Zealand "For regulating the Conveyance and Postage of Letters," referred to in the correspondence, which accompanied your report, and they have expressed to the Secretary of State their opinion that the same should be disallowed. My Lords presume, that on the receipt of the intimation of the decision of Her Majesty's Government with regard to that Ordinance, directions will be given by the Government of New Zealand, for carrying into effect the original instructions conveyed to the collector of Customs, for the management of the Post-office business of that island.

I am, &c.

(signed) *G. Clerk.*

The Commissioners of Customs.

(No. 7.)

Custom-house, London, 31 January 1843.

THE foregoing copy of a letter from Sir George Clerk (one of the Secretaries to the Lords Commissioners of Her Majesty's Treasury), is transmitted to the collector at New Zealand for his information and guidance, and who will report his proceedings.

By Order of the Commissioners,
(signed) *J. Scovell.*

New Zealand.

Enclosure 2, in No. 1.

EXTRACT Minutes of the Legislative Council, 16 July 1844.

EXAMINATION of *William Connell, Esq.*

Examined by the Attorney-general.

You were for some time acting as Deputy Postmaster-general, under the new regulations? Encl. 2, in No. 1.
—For a short time, between the resignation of Mr. Cooper, and the arrival at Auckland of Mr. Hogg.

Were you in that office whilst the local Ordinance relating to the Post-office was in effect?—I had the charge of that office when that Ordinance was passed, and during the whole period of its operation.

So far as you have had an opportunity of judging, which do you consider operated most satisfactorily to the public?—I think that the local Act was considered to give most satisfaction to the public.

Have there been any, and what objections raised against the new regulations?—The charge of postage upon newspapers has been strongly objected to, as well as inland charge for conveyance of ship-letters. The term inland conveyance, being understood to mean conveyance from one part of the colony to another, whether by sea or land.

What is the difference between the old and new systems, relating to newspapers?—Under the local Ordinance, newspapers were conveyed, delivered and despatched, free of any charge whatsoever; they were also conveyed without expense to the Post-office, no gratuity being paid for their conveyance to or from countries beyond seas, coastwise from one part of the colony to another.

What under the new system?—Under the new system the papers are liable to a rate of postage if received by a private ship from beyond seas, and an additional rate of postage if conveyed from one part of the colony to another; the rate of postage being 1 *d.* for British or colonial newspapers, and 2 *d.* for foreign.

What is the cost of the newspapers conveyed under the new system?—The conveyance of each newspaper from beyond seas, costs the department 1 *d.*; and its conveyance from one part of the colony to another, costs $\frac{1}{2}$ *d.*

As a matter of finance, which of the two systems is most profitable?—The former was not attended with profit, as the newspapers were delivered free; the present system is attended with loss.

Will you explain how that loss arises?—Up to the present time, a great proportion of the newspapers have been refused by the parties to whom addressed, on account of the postage; a great number now remain in the Post-office unclaimed, and a number have already been returned. I would observe, that the Postmaster-general's instructions do not recognize a profit from newspapers, the postage being only intended to cover the expenses incurred for their conveyance, in gratuities to masters of vessels.

Are you aware what is the practice at Sydney relating to newspapers?—Newspapers are delivered free of postage, and no gratuity is paid for their conveyance.

Can you state how they are free in one case, and not in the other?—Because the Post-office in New South Wales is an independent one, and has its own Postmaster-general, and the rates of postage are regulated by a local Act, whereas the Post-office in New Zealand, is a branch of the English Post-office.

Which of the two systems do you consider most adapted to the general diffusion of information?—Certainly the former one, under which newspapers were free.

If newspapers are delivered free of postage in Sydney, who is at the cost of their conveyance?—Those that are brought from England, are paid for in England, at the rate of 1*d.*, which is given to the private ship that conveys them.

Is there any thing paid in England upon newspapers coming from England to New Zealand?—Exactly the same as to Sydney.

You have said that under the new regulations, 1*d.* each is charged upon all newspapers arriving in the colony from beyond seas, but it appears that the postage of newspapers from England is paid there?—I believe I omitted to say that newspapers and letters arriving direct from England by mail are free of postage, if delivered at the port of arrival; the charge of postage only arising for their inland conveyance to another part of the colony.

You have already stated that you consider the old system best for the diffusion of knowledge; which is the most costly system?—The new system is more costly.

With respect to the postage upon letters, the principal ground of complaint appears to be that an additional postage is charged upon letters arriving at any part of the colony, and delivered at another, although they may have been conveyed to their final destination by the vessel that brought them to the colony?—The hardship complained of is more apparent than real, but what has been stated is the principal ground of complaint.

Are you aware how the bags are made up in England, for the different settlements, or for New Zealand generally?—For New Zealand generally.

Are you aware if it be practicable, and if so, if expedient, that bags should be made up for each separate settlement?—It is quite practicable, and might save some trouble to the local postmasters; but would not alter the charge of postage, unless new regulations were established. The minute of the Lords of the Treasury clearly prescribes a charge for inland conveyance, which would not be evaded by the plan supposed.

Are you able to inform the Council whether the post communication between the settlements of the colony is good?—Internal communication is not as good as it should be; coasting communication is frequent; between the Bay of Islands and Auckland, and between Port Nicholson and the other settlements in Cook's Straits, it is frequent; but between the northern and southern divisions of the colony, it is infrequent.

Are you able to state whether a greater facility of communication than at present exists is required by the commercial, political and other public interests of the colony?—I have no doubt that the general welfare of the colony would be much promoted by such a change.

Are you able to state whether the new department has done any thing to facilitate communication?—One additional post has been established, which was originated under this Government before the department was transferred to the charge of the collector of Customs, and was carried out under the new system; viz., an overland mail between Auckland and Port Nicholson, by way of Kawhia and New Plymouth.

Do you know any reason why there should not be an overland post between Auckland and Port Nicholson?—I am not aware of any difficulty that could not be overcome at a moderate expense. I believe that a bridle-road might be made the whole way.

Am I to understand that letters have been conveyed from Port Nicholson to Auckland overland?—Decidedly, by way of Kawhia and New Plymouth.

Do you know how frequent the communication is between New Plymouth and Port Nicholson?—Whilst I was in the office, mails were conveyed between those places twice a month, by a constable who carried the mail while performing police duty. This arrangement was set on foot by this Government previous to the new system coming into operation.

How frequent between Auckland and New Plymouth?—Once a month.

Do you know any reason why the communication should not be more frequent between New Plymouth and Auckland?—None, except upon the ground of expense; and I am inclined to think that the proceeds of the department as a whole, will be found to justify an increase of expenditure in that branch of the service.

Under the present system, the Post-office department of New Zealand is not considered under the control of this Government?—No, it is a branch of the English Post-office department, and is under Her Majesty's Postmaster-general.

Under the existing regulations, if there is a surplus of the Post-office revenue, what would become

become of that surplus?—The Deputy Postmaster-general is required, by his instructions, to remit the surplus to the Receiver-general of the Post-office revenue in England, retaining a sufficient amount in his hands for the probable exigencies of the service.

Is there now, or has there ever been a surplus?—During the period that the department was in my charge, the revenue and expenditure were very nearly equal; and I am not aware that there has been any excess of revenue since the department has fallen into other hands.

Suppose there was a surplus, would the Deputy Postmaster-general have to send home the surplus, or is he empowered to open new communications for the public convenience?—His instructions are to send home any surplus revenue; but he is authorized, as I have already said, to retain sufficient to meet the probable expenses of the department; he is also required to report with respect to opening new lines of communication, or on any contemplated changes; and also to state the probable advantages to be derived by the revenue therefrom; how far he may consider himself justified in first making the changes involving increased expense, and then reporting them for the approval of the Postmaster-general, is a question for the Deputy Postmaster-general to decide. I have no idea that any actual surplus can accrue, if proper steps be taken for furthering and rendering effective the Post-office service throughout the colony.

Can you state if any considerable number of vessels bringing letters for Auckland, take their mails first to Taranaki or Port Nicholson?—A number of English mails for Auckland have arrived, in the first instance, at those ports, being brought by vessels chartered by the New Zealand Company. Mails from Sydney and the adjacent colonies more frequently arrive direct, or by vessels touching at the Bay of Islands.

Have all such English letters so received to pay an inland postage of 4*d.*?—Yes.

Recurring to the communication between Auckland and Port Nicholson, do you think it is as frequent, once a month, as the public have a right to expect?—It is not as frequent.

Examined by the Colonial Secretary.

You mentioned that the great evil complained of is, that people are required to pay a second postage for letters when the vessels bringing them from abroad touch at any intermediate port of the colony; do you know of any particular case which shows that evil?—I do not know of any particular case; it has the effect of doubling the postage.

What do you suppose would be the postage of an Army List or Navy List?—I do not remember the size of the pamphlet, but the rate would be regulated by the rate of 4*d.* per half ounce.

Do you think it has ever been as high as 20*s.*?—I have never heard of such a charge; if it had been made, the individual complaining could have had his postage refunded.

Are many letters or newspapers refused on account of this rate of postage?—A great number of newspapers, but no letters, that I am aware of.

Is there any increase of expense to the Post-office, in consequence of vessels touching at any intermediate port, which would warrant an additional charge of postage?—No additional direct expense, excepting a gratuity of $\frac{1}{2}$ *d.* per letter for conveyance coastwise.

Have letters sent to England by way of Wellington or Bay of Islands to pay double postage?—Yes.

In such a case, is the Post-office put to any extra expense?—None, except the gratuity of $\frac{1}{2}$ *d.*; that is the direct expense; but the expense of maintaining the local Post-offices, salary of the clerks, &c., is as fairly chargeable upon those letters, as upon any other portion of the postmaster's duty.

If the system were altered, and letters were passing between the intermediate ports, what would be the additional direct expense?—One halfpenny per letter.

What is the inland postage in the colony?—Four-pence for each letter, and 1*d.* for newspapers.

For a single letter is an inland postage of 4*d.* charged, besides the English postage?—If letters by mail from England are delivered at the port of arrival, they are delivered free; if conveyed to any other part of the colony, a charge of 4*d.* is made.

Suppose a vessel arrives at Taranaki from England, with a mail bag containing letters for Taranaki and Auckland, what would be the postmaster's duty?—The postmaster would open the mail bag, and would deliver the letters for Taranaki, and forward those addressed to other parts of the colony, with an inland charge of postage marked thereon.

Supposing the same ship were coming on to Auckland, would she bring on the same mail?—The mail would come on by the first opportunity, irrespective of the mode of its arrival at Taranaki.

It may happen then that the same ship may bring on the letters?—It has happened; but in a majority of instances the mails have been forwarded by an earlier opportunity.

Examined by Dr. Martin.

You stated, that the Orders in Council or Treasury minute merely required that such a charge should be made on newspapers, as was necessary to be paid to the commanders of vessels for the carriage of such newspapers?—That is the spirit of the instructions; but there is no express clause to that effect. If they are conveyed by a packet ship, they are delivered free; but if by a private ship, a postage of 1*d.* is chargeable upon each newspaper, which is payable to the captain for their conveyance.

Did the commanders of vessels under the old regulations manifest any unwillingness to carry newspapers?—No unwillingness was ever exhibited, because in the neighbouring colonies there is no charge on newspapers, and no gratuity given.

What proportion of newspapers received since the establishment of the new regulations have been released?—Not a half.

What becomes of such papers as are not released. Does the Post-office sustain any additional expense on this account?—No additional expense. They are returned to the Post-office of the country or colony from whence they were received, but without any further expense.

How are they taken by commanders of vessels without the usual gratuity of 1 *d.*?—They are inclosed in the mail bag, in a package addressed to the Dead-letter Office, and no gratuity is paid for them.

Does that happen under any special instructions from the Postmaster-general, or how is it that they are expected to take newspapers without a gratuity?—I do not recollect any particular clause on the subject. It does not appear to me that they should be paid for, from any part of the instructions relative to gratuities, and no mention of payment of gratuity for them is made in that part of the instructions which governs the return of unclaimed letters and newspapers.

Do you consider that the present charge upon newspapers has a tendency to prevent the diffusion of knowledge, and keep the colonists in ignorance of any improvements which may be taking place, both at home and in the neighbouring colonies?—I certainly think it has.

Can you not conceive that such a check may operate injuriously to the interests of the colony?—I have no doubt that it does; the more free the communication of information can be made, the better.

At the present moment, is not New South Wales the only colony from which we get newspapers?—I think that the newspapers we receive from New South Wales are ten to one to those we receive from any other colony.

In reference to the establishing any new lines of communication by post, is it your opinion that this Government has the power of establishing such new lines?—From the nature of the instructions I think the Deputy Postmaster-general would probably require a guarantee from the local Government, either that such proposed new line should pay its own expenses, or, that should the expenses of the whole department exceed its income, the deficiency would be made good from the colonial revenue, as he would otherwise, unless he had obtained the previous sanction of the Postmaster-general, be incurring a heavy personal responsibility.

What you have stated is founded on your own interpretation of the regulations?—Yes.

Examined by Mr. *Brown*.

In the event of a vessel from England touching at Wellington, Nelson and Auckland, for instance, and the mails were made up for these several ports, instead of being made up for New Zealand generally, would such vessel be obliged to deliver up all the mails at the first port she might touch at?—I am not aware what the interpretation of the law is in that case; the view upon which I have always acted is, that the captain would be bound to deliver all mails addressed to any part of the colony, at the Post-office of the first port of the colony at which he touched, and many instances have occurred where great injury would have been sustained by the adoption of a contrary course.

If such vessel were to bring on the mails to these ports, would additional inland rates of postage be charged?—Yes; an additional gratuity would be paid for their conveyance, and an additional postage would be charged.

Under which system was the revenue most benefited?—There is more profit at the rate of 4 *d.*; under the old system a uniform rate of 6 *d.* was charged, no second rate being chargeable for inland conveyance or re-direction; under the new system the rate is 4 *d.*, with an additional charge for inland conveyance or re-direction. In order to estimate the probable revenue of the department under the new regulations, I ascertained the average sum received upon each of a given number of letters, amounting to some thousands, taxed under the local Ordinance, and a like number under the existing regulations. Under the old system the average was 7½ *d.* per letter, under the new system it is 8½ *d.*

Examined by the Governor.

Are you personally acquainted with the country between Auckland and Kawhia and Taranaki, and between Taranaki and Port Nicholson?—I am not personally acquainted with it.

From such information as you have collected, are you of opinion that a regular communication may be kept up between Auckland and Taranaki weekly?—A weekly communication may be kept up, but of course it will be at some further expense. The length of time occupied in the conveyance of the letters by foot-post would be a fortnight at least.

Are you aware that with the assistance of horses and boats, and altering the path, a weekly communication can be kept up?—I am not sufficiently informed, but I am of opinion that such may be the case.

From what you have heard, do you think a communication between Port Nicholson and Auckland might be effected in a fortnight, without any new roads, by horse and foot communication?—I think there is nothing to prevent it.

Have

Have you reason to think that there is nothing to prevent direct inland communication between the two places?—I believe there is not.

Do you suppose that the Post-office authorities contemplated that large quantities of papers and letters would be returned to the mother country?—The instructions respecting the return of undelivered letters and newspapers are specific, and evidently contemplate the non-delivery of many such.

Is it your opinion that those provisions were made with a view of providing for missent letters and papers belonging to persons deceased?—The instructions plainly contemplate the refusal of letters and newspapers.

Do you think that in the case of a mail bag containing letters for Wellington being opened at Auckland, the trouble of opening, sorting and sealing up the bag and forwarding it to Wellington, is a sufficient reason for charging inland postage?—It is attended with the same trouble as forwarding the same number of letters posted at Auckland.

The Post-office is at no expense in providing the conveyance by sea?—None, beyond the gratuity to the ship-masters.

Supposing such to be the case, would it appear to you reasonable that the master of a ship should receive the same gratuity for the conveyance of a letter from Auckland to Wellington, as for conveying a letter from London to Auckland?—Certainly not.

What is the gratuity actually received for conveying a letter from London to Wellington?—Two-pence.

From Wellington to Auckland?—One halfpenny.

Upon what grounds do you suppose that the same charge is made from Wellington to Auckland, as from London to Wellington?—The rate is not the same, the postage from London to Wellington is 8*d.* from Wellington to Auckland 4*d.*

EXAMINATION of *P. D. Hogg, Esq.*

I CONCUR in every thing that has been stated by Mr. Connell. There is a circumstance which Mr. Connell did not explain at the time that he detailed the postages imposed by the Treasury warrant; viz. the paying the gratuity of $\frac{1}{2}$ *d.* only, on letters and newspapers conveyed inland. This rate was fixed upon by following the analogy of the rates of postage under similar circumstances in the United Kingdom, the rates not having been distinctly expressed in the Treasury warrant. I think the re-sorting of mails at the first port of arrival, although entailing double labour on the department, and the imposition of a double rate of postage on the public, is a decided advantage to the public, inasmuch as it expedites the transmission to their final destination. With respect to the operation of the existing regulations as they affect the transmission of newspapers, I may mention, that the number of newspapers at present lying in the Dead-letter Office as having been refused, are as follow: Sydney, 790; English, 990; Van Diemen's Land; 183; Adelaide, 162; gratuities to the amount of 15*l.* have been paid by the department on these to the masters of vessels bringing the mails, all which amount is lost to the revenue, if these papers are not relieved. The Post-office revenue, under the new regulation, I think is likely to be considerably increased, one important addition to the revenue being that Government despatches which were free under the local Ordinance, are now liable to postage.

Examined by the Governor.

You have referred to Government despatches being liable to postage. Do you suppose that if the Governor of a colony should have occasion to send despatches by any person he might think proper to convey them, that the Post-office authorities could call upon such confidential person to deliver them to the Post-office, instead of delivering them direct to the person to whom they were addressed?—I do not think that the Post-office authorities would have any right to interfere.

As the law now stands on the subject, would not any master of a ship carrying letters between intermediate ports be liable to a fine, if those letters had not been entrusted to him by the Post-office or other competent authority?—Yes.

As the law now stands, is there any impediment to persons sending letters by private hand?—Yes.

Is there any law preventing any private person from sending a parcel, case or package between such intermediate ports?—No. I was going to mention as a further illustration of this, that in the Customs department it is the practice to send heavy accounts, &c. in a box, with a label, addressed to the master of the vessel, cautioning him not to pass the same through the Post-office.

Do you think any improvement could be made in the Post-office communications at present existing in this colony?—If it could be found practicable to have a regular communication with Wellington, one of the principal settlements in the colony, that is one of the principal improvements that could be effected.

You consider that the Post-office communication, as at present established, may be improved?—Yes.

Are you aware that the extent of coast line bounding New Zealand is about 3,000 miles?—I believe it is.

Is it the case that there are now many settlements scattered at various points around the island?—Yes.

Is it probable such settlements will increase in number?—They will increase in number and population.

As they increase, if they do increase, will not alterations and extensions of communication be necessary?—Yes.

Can such arrangements, in your opinion, be effectually planned and carried out by persons resident in London, unacquainted with the local details of the colony?—From the peculiar circumstances of this colony, I am persuaded they could not.

Examined by the Attorney-General.

To whom have the Post-office authorities in England delegated the authority for carrying out these arrangements?—To the collector of Customs as deputy Postmaster-general.

Are you able to state whether the collector of Customs has time to spare effectually to carry out the duties of the Post-office, in addition to his other duties?—I feel confident he cannot.

Examined by Dr. *Martin*.

Do the present Post-office regulations give satisfaction to the public?—I have heard a good deal of dissatisfaction expressed, particularly to the rate of charges on newspapers.

Does, the Post-office derive any real benefit from the charge on newspapers?—None.

Examined by Mr. *Clifford*.

Are you aware that vessels coming from England to Port Nicholson, generally touch at one or more settlements in New Zealand, previous to reaching their final destination; and from their short stay at those places, almost invariably carry forward the Wellington letter-bags, which they had been obliged to land for an inland postage to be charged?—I believe, that vessels frequently touch at Nelson and New Plymouth before proceeding to Wellington, and I have no doubt it is frequently the case that these vessels carry forward the letters which they originally brought, re-sorted, to the place of their final destination.

EXAMINATION of *Felton Mathew, Esq.*

Examined by the Governor.

You are Deputy Postmaster-general, I believe?—I am.

Do you concur in the evidence given by Mr. Connell and Mr. Hogg?—I fully concur in what has been said by both Mr. Connell and Mr. Hogg, except in a few minor points, as regards Mr. Connell, connected with the overland communication with Wellington. I conceive that it is more difficult, and would occupy a longer time than Mr. Connell appears to imagine. I especially concur with Mr. Hogg in the advantage of re-sorting mails at an intermediate port; for if the masters of ships were not compelled to land their mails at the first port of arrival, a very great detention would frequently occur. As to the information conveyed by Mr. Hogg relative to the newspapers in the Dead-letter department, I can say, that in addition to the number stated by him, about 400 have been returned, and it is probable that some are lying at the different out-stations which have not yet been forwarded to Auckland. It does not appear to me quite clear that the law exempts Government despatches, and I have also my doubts whether masters of vessels could not claim gratuities on newspapers returned.

With reference to the internal communication between Auckland and Port Nicholson, have you lately conversed with those who are most cognizant with the subject, such as Mr. Maunsell, Mr. Ashwell, or any person resident at New Plymouth, with the Chief Justice, or with the Bishop, all of whom have local acquaintance with the subject?—I have conversed with Mr. Ashwell, Mr. Morgan, the Chief Justice, and with several other parties who have travelled the over-land route, and their statements as to the practicability of the route are rather contradictory. I have not the slightest doubt that a good and practicable route could be found, and by saying that I differ from Mr. Connell; I merely mean to say that I think it would be more difficult, owing to the natural obstructions of the country, than he appears to imagine, and that it would be a mere question of time; a considerable portion of the country is thickly wooded, which would offer considerable impediment until a tract was effectually cleared.

Are you aware that Mr. Ashwell has ridden from his station to within 40 miles of New Plymouth, and that from Auckland to Mr. Ashwell's station the road is a very easy one?—I was not aware of that as a matter of fact. I believe that a very good road exists from Mr. Ashwell's in the direction of Taranaki, which may be easily travelled on horseback, but I have been informed that the latter part of the route from Mokau to Taranaki is very difficult, and also that it would not be easy at present to reach Mr. Ashwell's on horseback.

Are you aware that there would be any impediment to prevent a person riding from Mr. Ashwell's to Taranaki, avoiding the sea-coast?—I am not aware of any impediment that could not be overcome; the country at the latter part of the route being thickly wooded, would be the chief obstacle.

Are you aware that it is the opinion of the Chief Protector of Aborigines that by combining the assistance of horse and boat, communication might be effected between Auckland and Taranaki in six days, without going on the outer sea-coast?—I have had some conversation with

with the Chief Protector on the subject, but I was not aware that he thought the communication could be effected in so short a time as six days, and taking the actual distance into consideration, I should question whether it could be done in that time.

What is the shortest time you have known the distance performed between Taranaki and Auckland?—I have never known it performed in less than 10 days.

If without the assistance of horses and boats in readiness the journey has been performed in 10 days, may we not expect that with those advantages it may be effected in much less time?—Probably it might, but in all the instances I have heard of, the parties have had boats and canoes in readiness, so that no detention has been occasioned by the want of them.

—No. 2.—

(No. 34.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

My Lord,

Auckland, 29 September 1844.

No. 2.

Governor *FitzRoy*
to Lord *Stanley*,
29 September 1844.

By a vessel which sailed from this port yesterday, I informed your Lordship in a confidential despatch, of the abolition of customs in this colony; and I have now the honour of reporting publicly this decision of the Legislative Council, and explaining the circumstances which led to the immediate execution of so important a measure.

During the two first years of the establishment of this colony, money was abundant, imports were excessive in quantity, and there was no great inducement to smuggle. Last year a marked change took place; and owing, partly to general poverty, partly to the impunity with which smuggling could be carried on, only 10,000 *l.* were raised by duties of customs, while the expenses of collection amounted to 4,000 *l.*

This year the receipts have been even less, while increased knowledge of the coast has encouraged the smuggler more and more.

New Zealand has about 3,000 miles of coast line, 2,000 of which are indented by numerous harbours, more or less easy of access. No coast blockade could effectually check smuggling on such shores, especially as there is abundance of wood, and therefore every facility for the concealment of goods.

Finding that much spirits and tobacco were landed clandestinely, though sold afterwards at nearly the same prices as similar articles on which duty had been paid, and that the revenue was still diminishing, an attempt was made by the Legislative Council to make up for this diminution by imposing *ad valorem* duties upon all articles imported.

This additional levy brought on a crisis, and induced the Council to agree unanimously to the total abolition of customs, in the confident hope of Her Majesty's gracious approbation and confirmation of the local Ordinance, after due explanation.

The crisis I allude to was the attempt to question Her Majesty's authority at the Bay of Islands, and the cutting down of the flag-staff; already reported to your Lordship.

Ill-disposed Americans and Europeans eagerly misrepresented the causes and effects of new duties, and intelligent chiefs were not wanting to question, and prepare to oppose British authority. Some of the most active and daring of these chiefs said, "You prevent vessels from trading with us as formerly; you drive them away from us, and then we are obliged to buy at your shops only, and pay nearly double for our tobacco and clothes." Others said, "What right has the Queen of England to prevent vessels from coming to this place (not being a port of entry)? Why should Pomare or Waikato have ships in their place (Bay of Islands), and I be prevented from having them in my harbour? (Wangeroa, not a port of entry)."

This apparent inequality of treatment; the knowledge that ships could not trade at the greater number of ports, however good; and the interruption to such general barter or sale with or on board vessels, which used to take place to a great extent previous to the establishment of customs, were causing extensive and deeply-seated discontent among the aboriginal population throughout New Zealand; but more particularly and openly at the Bay of Islands, where, between 1830 and 1840, from 20 to 40 sail of vessels were usually seen, and where, since 1840, seldom more than eight or ten, generally but three or four vessels at one

time have been found, a direct consequence of the customs' restrictions, especially affecting all whalers and colonial traders.

Being absolutely certain that the longer continuance of these restrictions would injure the influence of Government materially, would tend still farther to the diminution of intercourse with shipping, and would inevitably lead to insurrection, the fatal consequences of which it would not be difficult to foresee, I decided to propose taking measures in time to prevent those evils which could not be cured.

Another influential motive for closing the custom-house was the state of the New Zealand Company's settlements ; it is my duty to take measures for the relief of the distressed settlers at those places, and I know of none so certain to afford them immediate and permanent assistance as the opening of their ports to unrestricted commerce.

But this motive, however strong, was not the principal ; that which weighed chiefly in my mind, as well as in the minds of the Legislative Council and all thinking men in this colony, was the growing excitement, indeed insurrectionary spirit, among the aborigines.

It was always my opinion, and I had the honour of stating it to your Lordship in 1843, that the regulations and restrictions of a customs' establishment were not suited to the peculiar character of New Zealand ; measures were proposed to the Legislative Council in May last, which, if adopted, would have led towards the abolition of customs, if approved of by Her Majesty, but the Council did not then conceive that direct taxation on fixed property could justly or efficaciously be levied during the existence of the custom's establishment, which I did not then feel authorized to abrogate.

Circumstances having since arisen which have compelled me to act without waiting for communication with your Lordship, a plan of direct taxation, or rather of levying a general rate, has been devised, which appears to be adapted to the peculiar state of this colony, however unsuitable to other countries, and which has at all events the negative merit of being unanimously and cheerfully approved by men of all parties in this country.

I cannot doubt that a larger revenue will be raised under this Ordinance, which I have the honour to transmit herewith, than could be even hoped for under any customs' establishment.

It will be at once observed, that this rate is levied in respect of person, property and income, taken together ; that it causes no exposure of affairs or property, a certain degree of obscurity being purposely obtained ; that it allows every one to rate himself as high as he pleases, up to a certain point, which is easily reached, and which is on a level with the highest ; and that it may be easily collected at very little expense.

Your Lordship has already desired that certain expenses should be defrayed out of special local rates ; hitherto there have been neither local rates, nor machinery for levying them ; I have confident hopes that the simple plan now laid before your Lordship, may be available for local rates, as for those intended for general purposes ; having no large capitalists, nor many persons with incomes exceeding 1,000*l.* a year in the colony, but having many commercial men who will voluntarily rate themselves as high as possible, there appear to be many sound reasons in favour of this method of raising revenue in New Zealand.

At the next session of the Legislative Council, by which time more persons will be in actual legal possession of land, having obtained their deeds of grant from the Crown, a land-tax may be imposed (and it is at present anticipated) in aid of a general rate.

I have now to request that your Lordship will be pleased to cause communications to be made to the Commissioners of Customs on this subject, in order that their officers may receive such special instructions as may be necessary.

I have authorized them to be paid their regular salaries to the 31st of December next, in order that all accounts may be properly closed and transmitted ; and the sub-collectors will have the option of acting as collectors of revenue under the Property-rate Ordinance, besides acting in the Post-office department, therefore they will not be without resources, although diminished.

The

The enclosed Harbour Regulations will explain how I propose to carry out the provisions of the Acts of Parliament, and obtain the necessary statistical information.

Anxiously waiting for your Lordship's support, and, I trust approval.

I have, &c.

(signed) *Robt. FitzRoy*, Governor.

P. S.—With reference to the consequences of spirits becoming cheaper, I should inform your Lordship, that neither the Chief Protector of Aborigines, the older missionaries, the Bishop, the Chief Justice, the Attorney-general, the Colonial Secretary, nor myself, have any fear of the natives becoming addicted to drinking.

With few exceptions, they dislike spirituous liquors extremely.

(signed) *Robt. FitzRoy*, Governor.

Enclosure 1, in No. 2.

PROPERTY RATE ORDINANCE.

In the Eighth year of the reign of Her Majesty Queen VICTORIA, Session 4. (No. 2.)

Encl. 1, in No. 2.

ANALYSIS.

Title.	
Preamble.	
1. No. 3, Sess. 1, and No. 6, Sess. 3, repealed.	14. Returns to be published.
2. Property Rate imposed.	15. Particulars of Property, &c., may, in certain cases, be required.
3. What Property liable.	16. Penalty for not supplying Particulars.
4. Income, what, and how estimated.	17. Particulars may be given in evidence.
5. Composition may be made.	18. Receipts to be given.
6. Rate, &c., when payable.	19. Monies to be accounted for monthly be Collector.
7. Returns to be made.	20. Ordinance not to extend to Property of Aboriginal Inhabitants.
8. Return to state amount of Rate payable.	21. Appointment of Collectors.
9. Composition how to be made.	22. Allowance for Collection.
10. Under Estimate a misdemeanor.	23. Interpretation Clause.
11. Penalty for neglecting to make Return.	Form.
12. Penalty for Arrears.	Schedule.
13. How to be recovered.	

AN ORDINANCE for Imposing a Rate upon Property, and for repealing the "Customs Ordinance," Sess. 1, No. 3. and the "Customs' Amendment Ordinance," Sess. 3, No. 6. —Passed the 28th day of September 1844.

WHEREAS an Ordinance was enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, Session 1, No. 3, intituled, "An Ordinance to repeal within the said Colony of New Zealand, an Act of the Governor and Council of New South Wales, passed in the third year of Her present Majesty's reign, intituled, 'An Act to repeal an Act relating to the Revenue of Customs in New South Wales, and to provide for the general regulation thereof;' and also a certain other Act of the said Governor and Council of New South Wales, passed in the fourth year of the reign of Her said present Majesty Queen Victoria, intituled, 'An Act for increasing the Duties on Spirits, Wines, and other Goods and Merchandize, imported into the Colony of New South Wales and its Dependencies,' and which said Acts of the Governor and Council of New South Wales were adopted, and are now in force within the said Colony of New Zealand and its Dependencies; and to make provision for the collection of certain Duties on Goods imported into, and for the general Regulation of the Revenue of Customs in the Colony of New Zealand and its dependencies:" And whereas an Ordinance was enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council, Session 3, No. 6, intituled "An Ordinance to amend an Ordinance enacted by the Governor and Council of New Zealand, Session 1, No. 3, to repeal certain Acts of the Governor and Council of New South Wales, to make provision for the collection of certain Duties on Goods imported into, and for the general Regulation of the Revenue of Customs in the Colony of New Zealand and its Dependencies:" And whereas the commerce, agriculture and general prosperity of New Zealand would be greatly promoted by removing all restrictions on the free intercourse of shipping, with its numerous ports and harbours, and to that end it is expedient that all duties imposed upon goods imported into the colony, and all provisions made for the regulation and protection of the revenue of Customs by the said recited Ordinances, should be repealed; and that in lieu of the said duties of Customs, a revenue should be raised by rates upon property within the colony; Be it therefore enacted, by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:

1. On and after the 1st day of October, in this present year, the said recited Ordinance, Session 1, No. 3, and the said recited Ordinance, Session 3, No. 6, shall be repealed; and all goods

goods, wares and merchandize, which shall have been warehoused under the provisions of the said recited Ordinances, or either of them, and which shall be in bond on the said 1st day of October, shall be free from all duties which would have been payable thereon if the said recited Ordinances had not been repealed.

Property Rate imposed. 2. On and after the 1st day of November next, there shall be raised, levied, collected and paid, in manner hereinafter mentioned, in respect of all property and net yearly income, within the colony of New Zealand, a yearly rate, according to the scale in the Schedule hereunto annexed.

What property liable. 3. Property liable to the rate hereby imposed shall comprise every description of property, whether real or personal, and for the purposes of this Ordinance, the value of such property shall be taken to be the marketable value thereof at the date of the return hereby required to be made in respect thereof.

Income, what, and how estimated. 4. Income liable to the rate hereby imposed, shall comprise the net yearly profits of any trade, business or profession, rents arising from real property, interest on money lent, pay, salaries, annuities, pensions and every other description of income, whencesoever or from whatever source the same respectively may be derived; and for the purpose of this Ordinance the amount of such income shall be taken to be the probable amount thereof for the year following the date of such return.

Composition may be made. 5. In lieu of the rate hereby imposed, it shall be lawful for any person liable for the payment of the same, to make a composition for such rate, by paying the yearly sum of 12 l.

Rate, &c. when payable. 6. Such rate or composition shall become payable in four equal quarterly payments, and be paid on the 1st day of November, the 1st day of February, the 1st day of May, and the 1st day of August, in every year; and the first of such quarterly payments shall be made on the 1st day of November next: Provided always, That any person who may be liable to such rate or composition may pay the whole of such yearly rate or composition in advance.

Returns to be made. 7. On the 1st day of November in this and every succeeding year, every person resident within the colony who shall be possessed of property of any nature or kind whatsoever, which alone or together, with any such clear yearly income as aforesaid, shall in the whole amount to the sum of 50 l. or upwards, shall deliver to the collector of the district, or cause to be left at his office, a return, in the form or to the effect in the Schedule hereunto annexed, setting out in words at length the amount of the rate payable by him according to such scale as aforesaid, in respect of the property and income for which the return shall be made.

Return to state amount of rate payable. 8. The return hereby required to be made shall contain a declaration that the sum named therein is the highest rate payable by the person making the return, in respect of the property and income possessed by him.

Composition how to be made. 9. When any person possessing property or income liable to the rate hereby imposed shall intend to make a composition in lieu of such rate, such person shall state his intention so to do upon the face of the return, instead of setting out in manner hereinbefore required, the precise amount of rate that would otherwise have been payable in respect of such property or income.

Under-estimate a misdemeanor. 10. If any person shall knowingly and wilfully make an under estimate of the amount of the rate payable by him in respect of such property or income, or both, he shall be deemed guilty of a misdemeanor.

Penalty for neglecting to make return. 11. If any person hereby required to make such return as aforesaid shall fail so to do for the space of one calendar month from the time appointed under the provisions of this Ordinance for the making of such return (notice in writing of such default having been first personally served on such person), he shall on conviction forfeit and pay any sum not exceeding 20 l., to be recovered in a summary way, on the information of the collector of the district.

Penalty for arrears. 12. If the rate or composition payable on any of the aforesaid quarter days shall remain in arrear for the space of one calendar month or upwards, such rate or composition shall thereupon and thereafter be increased by one-fourth part thereof for every calendar month for which it shall have been in arrear.

Arrears how to be recovered. 13. If any such rate or composition as aforesaid shall at any time have been in arrear for the space of three calendar months, such sum, together with any further sum which may have become due in respect thereof by virtue of the provision last hereinbefore contained, shall be recoverable by summary proceedings against the person liable for the payment of the same, and shall be leviable by distress and sale.

Returns to be published. 14. At the expiration of one calendar month from the day on which returns are hereby required to be made, the collector of the district shall cause a statement of all returns which shall have been made to be posted in some conspicuous place or places within the district, and shall forward a copy thereof to the Colonial Secretary for publication in the Government Gazette. Such statement shall contain the name and description of the person making the return, and the amount of the rate for which such person shall have declared his property and income to be liable under the provisions of this Ordinance.

15. If it shall be made to appear to the satisfaction of the collector of the district, on the evidence of two respectable householders, that in any return a true statement of the rate hereby imposed has not been made, the collector in such case is hereby authorized to require from the person making such return, a detailed statement, in writing, setting forth a description and enumeration of the property and income in respect of which such return shall have been made, and of the estimated value thereof. Particulars of property, &c. in certain cases may be required.
16. Any person who shall fail to make such statement as aforesaid for the space of one calendar month, after receiving notice thereof in writing from the collector of the district requiring him so to do, or in any such statement shall have made an under estimate of the rate payable by him, he shall forfeit and pay any sum not exceeding 25*l.*, to be recovered in a summary way. Penalty for not supplying particulars.
17. When any of the property set forth in such detailed statement as aforesaid shall become the subject of any action or suit in which the person making such statement shall be a party in which the value of such property shall be a material question, a copy of such statement, showing the value of the property as estimated by the person making the return, certified under the hand of the collector of the district, may be given in evidence by the opposite party. Particulars may be given in evidence.
18. Any person making any payment under the requirements of this Ordinance may demand a receipt for the same, and every collector or other person receiving such payment, is hereby required, upon demand made, to give such receipt accordingly. Receipt for rate to be given.
19. All monies received by any collector or other person under the authority of this Ordinance, shall be accounted for and paid over monthly to the Colonial Treasurer, or his agent, to the use of Her Majesty, Her heirs and successors, for the public uses of the colony and the support of the government thereof. Monies to be accounted for monthly by collector.
20. Provided always, that nothing herein contained shall be held to extend to the property or income of any aboriginal native of the colony. Ordinance not to extend to property of Aboriginal inhabitants.
21. It shall be lawful for his Excellency the Governor to appoint persons to act as collectors of rates leviable under this Ordinance, subject to the approval of Her Majesty; such collectors shall be removable on reasonable cause by his Excellency the Governor. Appointment of collectors.
22. Be it further enacted, That there may be allowed to any collector or collectors who may be so appointed to collect the rate hereby imposed, for and in respect of all costs, charges and trouble attending the collection thereof, any sum not exceeding five per cent. on the gross receipts of such collection; and that the sum so to be allowed may be deducted monthly by any such collector from the gross proceeds of such collection, any thing hereinbefore contained to the contrary notwithstanding. Allowance for collection.
23. All words in this Ordinance denoting a male person shall be taken to include a female also. Interpretation clause.

(signed) *Robert FitzRoy*, Governor.

Passed the Legislative Council, this 28th day of September, A.D. 1844.

J. Coates, Clerk of Councils.

FORM OF RETURN.

PROPERTY RATE.

Name.

Date.

Place of abode.

I hereby solemnly declare that the Rate payable by me, in respect of my Property and Income, under the provisions of the "Property Rate Ordinance, Session 4, No. 2," and according to the scale in the Schedule to the said Ordinance annexed, does not exceed the sum of (the sum in words at length).

(signed)

(Or, as the case may be.)

I hereby give notice that I intend to make a composition in lieu of the rate payable by me in respect of my Property and Income during the ensuing twelve months.

(signed)

SCHEDULE.

					£.	Rate.		
When the Property or Income, or both taken together, } of any person shall not exceed					£.	£.		
					50	-	-	-
"	"	-	-	-	100	-	-	1
"	"	-	-	-	200	-	-	2
"	"	-	-	-	300	-	-	3
"	"	-	-	-	400	-	-	4
"	"	-	-	-	500	-	-	5
"	"	-	-	-	600	-	-	6
"	"	-	-	-	700	-	-	7
"	"	-	-	-	800	-	-	8
"	"	-	-	-	900	-	-	9
"	"	-	-	-	1,000	-	-	10
Composition	-	-	-	-	-	-	-	12

Enclosure 2, in No. 2.

HARBOUR AND QUARRANTINE REGULATIONS.

Colonial Secretary's Office, Auckland, 1 October 1844.

Encl. 2, in No. 2.

WHEREAS by an Ordinance enacted by the Governor and Legislative Council of New Zealand, Session 2, No. 15, his Excellency the Governor, with the advice of the Executive Council, is empowered to make such regulations (subject to the approval of Her Majesty) respecting the examination and licensing of pilots, the amount and payment of pilotage, and other matters connected therewith, as shall be deemed necessary for securing the good conduct of pilots, and the efficiency of the pilot service.

And whereas, by the said Ordinance, the Governor in Council is authorized to make regulations respecting the anchoring and mooring of vessels, the packages, landing, deposit, and removal of gunpowder; the erection of magazines for the safe keeping thereof, and the rent to be charged for the same; and also for the watering, ballasting and discharging of ballast of or from vessels; and all other matters relating to the safe and commodious navigation of harbours and rivers, and the order and management of vessels resorting thereto: and also the placing of vessels in quarantine and the performance of such quarantine, and to appoint officers for carrying such regulations into effect; and also from time to time to appoint, by proclamation, stations or places for the performance of quarantine by such vessels as may be liable thereto, and to construct and maintain lazarettes, and to take all such measures as may be necessary for securing the due performance of such quarantine: Now, therefore, in pursuance of the power and authority in him vested under the said Ordinance, his Excellency the Governor, with the advice of the Executive Council, directs that the following Regulations be published for general information.

By his Excellency's command,

Andrew Sinclair, Colonial Secretary.

HARBOUR REGULATIONS.

1. No person shall be deemed a pilot unless he be duly licensed by his Excellency the Governor.
2. Every person so licensed, shall be provided with a license according to the form annexed hereto.
3. Every pilot shall carry his license with him, and shall produce it to the master or commander of any vessel on its being demanded, or forfeit a sum not exceeding 40s.
4. No pilot need be taken unless required by the master or commander of the vessel.
5. The rates of pilotage into, or out of any of the harbours within this colony, from or to the distance of one league from the respective pilot stations, shall be those specified in Schedule (A.) hereunto annexed; but no pilotage is to be chargeable on any vessel, unless the assistance of a pilot be required by the master or commander of the vessel.
6. Pilots are not bound to conduct any vessel to sea until payment of the pilotage has been satisfactorily secured.
7. Any pilot detained on board a vessel longer than 48 hours, whether by stress of weather, quarantine or otherwise, is to be paid 5s. per diem in addition to the regular pilotage.
8. Pilots refusing or neglecting their duty, shall forfeit a sum not exceeding 20l.
9. The master of every vessel shall hoist such signals as may be tendered to him for that purpose by the pilot, or forfeit a sum not exceeding 5l.
10. The master of every vessel shall anchor or moor where the harbour-master or pilot may direct, and he shall not quit the anchorage until notice be given at the harbour-master's office, or forfeit a sum not exceeding 5l.

11. The

11. The master of every vessel shall give notice at the post-office, at least 24 hours before clearing, except masters of coasters, who are not bound to a place where there is a post-office, or forfeit a sum not exceeding 10*l*.

12. No rubbish or filth is to be landed on any lands belonging to the Crown, except in such places as the harbour-master may point out, under a penalty of any sum not exceeding 5*l*.

13. No timber or bulky article is to be left on any public wharf or landing place, under a penalty of any sum not exceeding 5*l*.

14. No ballast, rubbish, gravel, earth, stone or filth is to be thrown overboard from any vessel or boat, but is to be landed at such places as the harbour-master may direct, under a penalty of any sum not exceeding 20*l*.

15. Any person removing, willfully injuring or destroying any buoy, beacon or sea-mark, shall forfeit the sum of 20*l*.

16. Vessels are prohibited from firing guns between the hours of sunset and sunrise, and on the Sabbath (except in case of distress), under the penalty of any sum not exceeding 5*l*.

17. Any person removing any shingle, stone, shells, or any part of the soil, without permission from the harbour-master, or in the absence of the harbour-master, from the police magistrate, shall forfeit a sum not exceeding 10*l*.

18. Every vessel arriving from beyond seas, is to be boarded as soon as circumstances will allow, by an officer, who will deliver to the master a copy of the harbour regulations, and to whom the master is to furnish such particulars of his ship, voyage, crew, passengers and cargo, and to deliver such documents respecting the same, as may be required of him, under a penalty of a sum not exceeding 5*l*.

19. Every master refusing or neglecting to bring to at any station appointed for the boarding of the said officer, shall forfeit a sum of not less than 10*l*., or not more than 100*l*.

20. Every master of any vessel is also to deliver to the said officer or other authorized person, all public despatches, letters (whether in parcels or loose), newspapers and all post-office mails, obtaining a receipt for the same; and, repairing to the post-office, he is there to make a declaration, as per Schedule (C.), of his having duly delivered up all letters as before mentioned, under a penalty of any sum not exceeding 5*l*.

21. The vessels to be considered as engaged in the coasting trade, are those trading from one part of the colony to another.

GUNPOWDER.

22. The master of every vessel arriving with gunpowder on board, exceeding the quantity necessary as ship's stores, shall give immediate notice thereof to the harbour-master, and shall land the same at the powder magazine before anchoring at the usual anchorage ground, or forfeit a sum not exceeding 20*l*.

23. No gunpowder is to be either received or issued by the keeper of the magazine, except between the hours of seven in the morning and five in the afternoon.

24. The master of every vessel shall cause all gunpowder to be conveyed to the magazine immediately after its being landed, or forfeit a sum not exceeding 10*l*.

25. All gunpowder so landed to be packed in barrels, containing not more than 1 cwt. each, closely joined and hooped without any iron about the packages, and so secured that no portion of the gunpowder be in danger of being scattered in the passage, under a penalty of any sum not exceeding 10*l*.

26. Previous to the delivery of any gunpowder so stored, fees, as per Schedule (B.) shall be first paid.

QUARANTINE.

27. The master of every vessel which shall be deemed by the harbour-master to be liable to quarantine, shall, on being directed so to do by such harbour-master, cause the same to be anchored in the appointed quarantine ground, or forfeit and pay for every such offence the sum of 100*l*.

28. The master of every vessel so anchored, shall neither himself quit, or permit any seaman, passenger or other person to quit the same, until he shall have been duly admitted to pratique, or forfeit the sum of 100*l*.

29. Every seaman, passenger or other person so quitting, shall, for every such offence, forfeit the sum of 20*l*.

30. Every vessel so anchored is to hoist a yellow flag, of not less than six breadths of bunting, at the main, by day, and a light by night in a lanthorn, such as are used in Her Majesty's navy, and to keep the same respectively hoisted until released from quarantine, or forfeit the sum of 100*l*.

31. The master of every vessel so anchored is to exhibit to the harbour-master, or other authorized person, his bill of health, clearance, manifest, log-book and register, and he is to fill up a report in the form and manner pointed out in the Schedule (C.) annexed.

32. The master of every vessel so anchored, who shall suffer any goods, wares or merchandize, packets, books, letters or other articles to be unshipped or landed, and any person or persons who shall be concerned in the unshipping or landing of the same, shall forfeit for each and every article so unshipped or landed the sum of 20*l*.

33. Every person or persons receiving any person, goods, wares or merchandize, packets, packages, baggage, books or letters, or any other article whatever, from any vessel so anchored, shall forfeit for each and every article the sum of 20*l*.

34. Any person going within the limits of any quarantine station when any vessel shall be there at anchor performing quarantine, shall forfeit any sum not exceeding 20*l*.

35. If any officer or person entrusted with orders respecting quarantine shall in any way neglect his duty, he shall forfeit for each offence the sum of 20*l*.

36. The harbour-master shall, immediately after his having so anchored any vessel, report the same to the police magistrate and health officer, or to the person or persons acting or appointed to act for those functionaries.

37. The health officer, or medical practitioner appointed for that purpose, shall, upon the receipt of such report, visit the vessel so anchored, and if he shall find any sickness of an infectious or contagious nature existing on board of her, he shall submit the information to a board, consisting of the police magistrate, the harbour-master and himself, to be convened for that purpose by the police magistrate; which board, or the majority of them, shall have authority to detain such vessel in quarantine until every symptom of the aforesaid disease has disappeared, when the same authority shall have power to release such vessel from quarantine, and admit her to pratique.

38. During the period any vessel may be in quarantine the health officer shall visit her alongside, and institute such regulations as the nature of the case may demand, and the master or commander shall carry such regulations into effect, or forfeit a sum not exceeding 20*l*.

39. Provided always, that all vessels which may be placed in quarantine by proclamation of the Governor in Council, shall be admitted to pratique at the expiration of the term therein named, unless any sickness shall exhibit itself during the performance of such quarantine.

40. The harbour-master shall send a daily report of arrivals and departures, and notices of departure, when any, to the principal officer of government at the place.

41. All information obtained by the harbour-master, of which a record is necessary for general or statistical information, shall be entered daily in a book, and transmitted quarterly in printed forms duly filled to the Colonial Secretary.

42. Application for register is to be made through the harbour-master to the Colonial Secretary, the superintendent of the Southern Division, or the principal officer of Government at the place, by whom such application will be transmitted to the Governor.

43. The respective harbour-masters are hereby authorized to grant licenses for vessels not exceeding 15 ton burthen.

44. Attention is required to the following extract from the Act of the Imperial Parliament, 5 & 6 Victoria, cap. 47, sec. 57, 58; and it is hereby made known that the harbour-master, or person lawfully acting in such capacity, is the "proper officer" therein referred to, who is authorized to give certificates and clearances.

"57. And whereas by one other of the said 'Acts, intituled, An Act to regulate the Trade of the British Possessions abroad,' it is enacted, that the master of every ship bound from certain British possessions, shall, before any goods be laden therein, deliver to the collector or comptroller, or other proper officer, an entry outwards, under his hand, of the destination of such ship, stating her name, country and tonnage, and if British the port of registry, the name and country of the master, the country of the owner, the number of the crew, and how many are of the country of such ship; and that if any goods be laden on board any ship before such entry be made, the master of such ship shall forfeit the sum of 50*l*.; and that before such ship depart, the master shall bring and deliver to the collector or comptroller, or other proper officer, a content in writing, under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, and the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content, as far as any of such particulars can be known to him; and that the master of every ship bound from such possessions, whether in ballast or laden, shall, before departure, come before the collector and comptroller, or other proper officer, and answer upon oath all such questions concerning the ship and the cargo, if any, and the crew, and the voyage, as shall be demanded of him by such officer; and that thereupon the collector and comptroller, or other proper officer, if such ship be laden, shall make out and give to the master a certificate of the clearance of such ship for her intended voyage, containing an account of the total quantities of the several sorts of goods laden therein, or a certificate of her clearance in ballast, as the case may be; and that if any ship shall depart without such clearance, or if the master shall deliver a false content, or shall not truly answer the questions demanded of him, he shall forfeit the sum of 100*l*.: and whereas it is further enacted, that no goods shall be stated in such certificate of clearance of any ship from any such possessions to be the produce thereof, unless such goods shall have been expressly stated so to be in the entry outwards of the same; and that all goods not expressly stated in such certificate of clearance to be the produce of such possessions shall, at the place of importation in any other such possession, or in the United Kingdom, be deemed to be of foreign production: and whereas it is also enacted, that the person entering any such goods shall deliver to the collector or comptroller, or other proper officer, a bill of entry thereof, fairly written in words at length, containing the name of the exporter or importer, and of the ship, and of the master, and of the place to or from which bound, and of the place within the port where the goods are to be laden or unladen, and the particulars of the quantity and quality of the goods, and the packages containing the same, and the marks and numbers on the packages, and setting forth whether such goods be the produce of the said possessions or not; and such person shall, at the same time pay down all duties due upon the goods; and the collector or comptroller, or other proper officer, shall thereupon grant their warrant for the lading or unlading of such goods; Be it therefore enacted, That so much of the said Act as is herein-above recited, shall from and after the

the first day of January 1843, extend to all goods entered for exportation, and to all vessels clearing outwards in any of the British possessions abroad, except the territories subject to the government of the Presidencies of Fort William in Bengal, Fort St. George and Bombay.

"58. Provided always, and be it enacted, that where there is no collector or comptroller or officer of customs at the port or place of shipment of such goods, that then the principal civil officer in the service of Her Majesty at such place, or his sufficient representative, shall be deemed and taken to be the proper officer for the performance of all such duties with respect to such goods as by the said Act are required to be performed by the collector or other officer or officers of customs."

SCHEDULE (A.)

N. B.—As the expenses of pilots are chiefly defrayed by the Government of New Zealand, the following are the only charges to be paid by vessels if required.

RATES OF PILOTAGE.

Three shillings per foot in any harbour.
One shilling per foot in any outer roadstead.

SCHEDULE (B.)

	£.	s.	d.
For each and every barrel or package containing 50lbs. of gunpowder and upwards, for any period not exceeding six weeks	-	-	1
Ditto - - ditto - - above six weeks, per week	-	-	2
For each and every barrel or package containing less than 50 lbs., for any period not exceeding six weeks	-	-	6
Ditto - - ditto - - above six weeks, per week	-	-	1

SCHEDULE (C.)

QUESTIONS, some or all of which are required to be answered by the master or other person in command of any ship or vessel arriving or departing:—

1. What is the name of the vessel?
2. What is her tonnage?
3. What is the master's name?
4. By whom is she owned?
5. To what place does she belong?
6. When did you sail?
7. Where are you bound?
8. Where have you touched, or shall you touch, in your passage?
9. What vessels have you had communication with on your passage, from whence did they come, and where were they bound?
10. Have you any sickness, any infectious or contagious disease on board?
11. Have you a bill of health?
12. Did any infectious or dangerous disease prevail at the place from which you sailed, or at any of the places where you have touched, or on board of any vessel with which you have had communication?
13. Have any persons died in the course of the voyage?
14. From what cause?
15. What number of officers, seamen and passengers, have you now on board?
16. Have you a surgeon on board?
17. What was the whole number of persons on board your vessel, when you sailed?
18. How many are now ill on board?
19. Have you any particular news?
20. What is your cargo?

(State full particulars.)

PILOT'S LICENSE.

You are hereby authorized and directed to act as pilot for _____ and you are enjoined to use your best skill and knowledge in all duties appertaining to your office, strictly conforming to the harbour regulations, and obeying such orders and instructions as you may from time to time receive from competent authority.

Given under my hand this _____ day of _____ in the year of our Lord 184 _____, at Government House, Auckland, New Zealand.

Signature of Governor.

DECLARATION.

I, A. B., of the _____ do solemnly declare that I have delivered all public despatches, letters (both in parcels and loose), newspapers, and all post-office mails, which were on board my vessel.

Signature of Master.

Witness

— No. 3. —

(No. 35.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

Government House, Auckland,
5 October 1844.

No. 3.
Governor *FitzRoy*
to Lord *Stanley*,
5 October 1844.
£ 902. 17. 6.

My Lord,

I HAVE the honour of informing your Lordship that I have this day drawn the following sets of bills (amounting, with the deduction for income tax, to the sum of nine hundred and two pounds seventeen shillings and sixpence), being for the payment of salaries of officers of this Government, provided for by Parliamentary grant, and authorized by your Lordship's despatch, dated 13 March 1843 (No. 24), addressed to the Officer administering the Government of New Zealand.

SETS of BILLS.

No.	Date.	In whose Favour.	Amount of Quarter's Salary.			Income Tax.			Amount of Bills.		
			£.	s.	d.	£.	s.	d.	£.	s.	d.
1.	5 Oct. 1844	Robert <i>FitzRoy</i> - -	300	-	-	8	15	-	291	5	-
2.	" "	William Martyn - -	250	-	-	7	5	10	242	14	2
3.	" "	William Swainson -	105	-	-	3	1	3	101	18	9
4.	" "	Andrew Sinclair - -	150	-	-	4	7	6	145	12	6
5.	" "	James Coates - -	75	-	-	2	3	9	72	16	3
6.	" "	John Fred ^k Churton -	50	-	-	1	9	2	48	10	10
									£.	902	17 6

I have, &c.
(signed) *Robt. FitzRoy*, Governor.

— No. 4. —

(No. 36.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

Auckland, 14 October 1844.

My Lord,

IN the Gazette, which I have the honour of transmitting with this despatch, and the enclosed Minutes of Council, is a proclamation respecting the purchase of land from the aboriginal natives of New Zealand, which I have deemed it not only prudent, but absolutely necessary to issue, in order to prevent insurrection.

During the last two years there has been a growing desire on the part of the natives to dispose of their own lands at their pleasure, irrespective of all interference or control. This desire has been industriously stimulated by settlers, who have not only reminded them of the treaty of Waitangi, but have continually taunted them with being no better than slaves, while the provisions of that treaty remain unexecuted.

The natives have been repeatedly told that they gave to the Queen of England "te nokonga," the "option of purchase," but that they did not, in their own language, give Her Majesty the sole and exclusive right of purchase; that the words of the English treaty, "exclusive right of pre-emption," were not translated correctly, and have a meaning not generally understood by the natives, who never would have agreed to debar themselves from selling to private persons, if the Government, on behalf of Her Majesty, declined to purchase.

The attention of the natives has also been repeatedly, I may say frequently and purposely, drawn to the last article of the treaty of Waitangi, by which Her Majesty "imparts to them all the rights and privileges of British subjects;" and they have been told that while unable to sell their own land, that article is not executed, and they are no better than slaves (taurekareka) taken in war, who have not the disposal of their own lands, while occupied by their conquerers.

Unfortunately,

No. 4.
Governor *FitzRoy*
to Lord *Stanley*,
14 October 1844.

No. 1.
New Zealand Gazette.
Proclamation, 10 Oct.
1844.
Government Notice,
6 December.

No. 2.
Memorandum on the
Sale of Lands in New
Zealand by the Abori-
gines.

No. 3.
Minutes, Executive
Council, 10 October
1844.

No. 4.
Chief Protector to Go-
vernor *FitzRoy*, "Conf-
idential;" 9 October
1844.

No. 5.
Treaty of Waitangi;
Copy in English.
Copy in Native.

Unfortunately, the facts of the case go far to support the above assertions; and to such an extent has the feeling grown among the natives, excited in every part of the country by designing persons, some of whom are aiming at the expulsion of the Government which interferes with their individual objects, that I am absolutely certain that a serious interruption of tranquillity, tending to destroy confidence, and bring on hostilities, would be the consequence of a course of conduct different from that which I now believe it to be my duty to pursue, however startling and unauthorized such a course must appear to your Lordship until explained.

To show further how this mischief has been fomented, and would be much increased, I have to state, that a number of persons have lately subscribed a large sum as a reward for whomsoever should do most towards stirring up and informing the natives how to act together on this subject.

During my visit to the southern settlements, it was intended to agitate in the northern parts of the country, in order that on my return I might find the stream of popular feeling too strong to oppose effectually.

I have known of the existence and growth of these feelings for some time, as your Lordship is aware; but I hoped that answers might have been received by me, to my despatches of April last, before taking so important a step as that of allowing the aboriginal natives of New Zealand to sell their lands, without the payment of any concurrent fee to Government.

I have ventured, my Lord, to take this step in the fullest appreciation of all the consequences.

It may be right that I should individually be censured for what I have done, and even that I should be forthwith superseded. At such a decision I shall not be surprised.

But discarding personal considerations, let me entreat your Lordship to dismiss from your mind the thought of its being possible to maintain a pacific and friendly policy towards the New Zealanders, without allowing them to sell their land to private persons.

By the restrictions hitherto imposed on this sensitive, jealous and warlike people, in respect of trade, and the unexpected barrier raised against their sale of their own lands, a general rebellion against the authority of Her Majesty has been already well nigh caused; and would unquestionably be raised from one end of the country to the other, if a stop were put to the limited sale of land to private individuals, or if the restrictions of customs' regulations were re-established.

I have, &c.,
(signed) *Robert Fitz Roy,*
Governor.

Enclosure 1, in No. 4.

EXTRACT from "New Zealand Gazette," 10 October 1844.

PROCLAMATION.

By his Excellency *Robert Fitzroy, Esq.*, Captain in Her Majesty's Royal Navy, and Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its dependencies, and Vice-Admiral of the same, &c. Encl. 1, in No. 4.

WHEREAS by a proclamation bearing date the 26th day of March 1844, it was notified to the public that the Crown's right of pre-emption would be waived over certain portions of land in New Zealand; and whereas the terms and conditions set forth in such proclamation on which the right of pre-emption would be so waived, have in some cases been disregarded, either by persons making purchases of land from the natives without first applying for and obtaining the Governor's consent to waive the right of pre-emption, or by much understating the quantity of land proposed to be purchased from the natives; and whereas certain persons have misrepresented the objects and intentions of Government in requiring that a fee should be paid on obtaining the Governor's consent to waive the right of pre-emption on behalf of Her Majesty, who, by the treaty of Waitangi, undertook to protect the natives of New Zealand, and, in order to do so, has checked the purchase of their lands while their value was insufficiently known to their owners:

And whereas, the evil consequences of misrepresenting the motives of Government, and asserting that to be a mark of oppression, even of slavery, which is in reality an effect of parental care, are already manifest; and are certain to increase seriously, if the cause be not removed:

And whereas the natives of New Zealand have become perfectly aware of the full value of their lands, and are quite alive to their own present interests, however indifferent at times to those of their children.

Now, therefore, I, the Governor, acting on behalf of Her Majesty the Queen, do hereby proclaim and declare, that from this day no fees will be demanded on consenting to waive the right of pre-emption; that the fees payable on the issue of Crown grants, under the following regulations, will be at the rate of one penny per acre; and that, until otherwise ordered, I will consent, on behalf of Her Majesty, to waive the right of pre-emption over certain limited portions of land in New Zealand, on the following conditions:—

1. Application is to be made in writing to the Governor, through the Colonial Secretary, to waive the Crown's right of pre-emption over a certain number of acres of land at or immediately adjoining a place distinctly specified; such land being described as accurately as may be practicable.
2. The Governor will give or refuse his consent to waive the Crown's right of pre-emption, as his Excellency may judge best for the public welfare; rather than for the private interest of the applicant. He will fully consider the nature of the locality; the state of the neighbouring and resident natives; their abundance or deficiency of land; their disposition towards Europeans, and towards Her Majesty's Government; and he will consult with the Protector of Aborigines before consenting, in any case to waive the right of pre-emption.
3. No Crown title will be given for any pah or native burying-ground, or land about either, however desirous the owners may now be to part with them; and, as a general rule, the right of pre-emption will not be waived over any land required by the aborigines for their own use; although they themselves may now be desirous that it should be alienated.
4. The Crown's right of pre-emption will not be waived over any of that land near Auckland which lies between the Tamaki road and the sea to the northward, or over any land reserved for the use of the aboriginal natives.
5. Of all land purchased from the aborigines in consequence of the Crown's right of pre-emption being waived, one-tenth part, of fair average value as to position and quality, is to be conveyed by the purchaser to Her Majesty, her heirs and successors, for public purposes, especially the future benefit of the aborigines.
6. All transactions with the settlers, all risks attendant on misunderstandings, on sales made improperly, or on incomplete purchases, must be undertaken by the buyers until their respective purchases have been allowed and confirmed by grants from the Crown.
7. As the Crown has no right of pre-emption over land already sold to any person not an aboriginal native of New Zealand; and whose claim is or may be acknowledged by a Commissioner of Land Claims, no grant will be issued to any other than the original claimant, or his representative, whose claims have been, or may be investigated by a Commissioner, and recommended by him to the Governor for a grant from the Crown.
8. Land so obtained is to be surveyed, at the expense of the purchaser, by a competent surveyor, licensed or otherwise approved of by Government, who will be required to declare to the accuracy of his work, to the best of his belief, and to deposit certified copies of the same at the Colonial Secretary's office, previous to the preparation of a Crown grant.
9. Copies of the deed or deeds conveying such lands, are to be lodged at the colonial secretary's office, as soon as practicable, in order that the necessary inquiries may be made; and notice given in the Maori, as well as in the English Gazette, that a Crown title will be issued unless sufficient cause should be shown for its being withheld for a time, or altogether refused.
10. No Crown grants will be issued until at least twelve months after the receipt at the colonial secretary's office of certified copies of the surveys and deeds of sale above-mentioned; and, on the issue of grants, fees, at the rate of 1*d.* per acre, will be required by Government.
11. The Government, on behalf of the Crown and the public, will reserve the right of making and constructing roads and bridges for public purposes, through or in lands so granted; the owners being fairly compensated by other equivalent land, as settled by arbitration.
12. No Crown grants will be issued under the foregoing arrangements to any person or persons who may be found to have contravened any of these regulations; and the public are reminded, that no title to land in this colony, held or claimed by any person not an aboriginal native of the same, is valid in the eye of the law, or otherwise than null and void, unless confirmed by a grant from the Crown.

Given under my hand, and issued under the public seal of the colony, at Government House, Auckland, this 10th day of October, in the year of our Lord 1844.

(L.s.) (signed) *Robert Fitzroy*, Governor.

By Command,
(signed) *Andrew Sinclair*, Colonial Secretary.

GOD SAVE THE QUEEN.

New Zealand Gazette, 7 December 1844.

NOTICE.

Colonial Secretary's Office, Auckland, 6 December 1844.

Persons who are desirous of having the Crown's right of pre-emption waived over certain limited portions of land in New Zealand, in accordance with the conditions specified in a proclamation bearing date the 10th day of October 1844, are requested to take notice, that, in order to obtain the Governor's consent, it is indispensable to comply, most scrupulously, with

with all the said conditions ; and as many applications have been rejected, in consequence of inattention to these conditions, I am desired by his Excellency to suggest the adoption of the following form, and to give publicity to the annexed explanatory cautions.

FORM OF APPLICATION.

Sir,

Date.

I HAVE to request that the Crown's right of pre-emption may be waived in respect of a portion of land [here describe the situation, estimated contents in acres, boundaries and adjoining lands or water; giving Maori names as well as English, as distinctly as may be practicable], which I propose to purchase from [here mention the name or names of the chief or chiefs, and tribe or tribes interested in the sale, who have a right to dispose of the said land, as accurately as may be practicable], who is or are willing to sell the same to me.

Signature.

To the Honourable the Colonial Secretary,
Auckland.

1. THE Crown's right of pre-emption will not be waived in respect of land of which a purchase (however invalid in law) has been made previous to the consent of the Governor having been formally obtained in writing.

2. Waiving the Crown's right of pre-emption, in respect of any land, merely suspends the right of the Crown, without conferring such right on any other body, unless so specified distinctly (as in the case of the New Zealand Company), and in itself conveys no title to any land.

3. By a limited portion of land, not more than a few hundred acres is the quantity implied.

4. A grant of the Crown alone gives a legal title ; and any unauthorized occupation of, or intrusion upon land set apart or reserved for the aboriginal natives, or belonging to the Crown, whether owing to any misunderstanding or otherwise, will be dealt with rigorously according to law.

5. The Crown's right of pre-emption being waived over, or in respect of any portion of land, without distinct specification in favour of anybody, has the effect only of opening that portion of land to public competition ; therefore it is advisable for those who make application to the Governor for the said right to be waived, to make their purchases as soon as may be practicable after the consent of his Excellency is obtained.

6. Lists of applications to the Governor to waive the Crown's right of pre-emption, showing the particulars of each, and stating the answer given by the Governor, will be published from time to time in the Gazette.

By Command,
(signed) *Andrew Sinclair*, Colonial Secretary.

Enclosure 2, in No. 4.

MEMORANDUM on the Sale of Lands in New Zealand by the Aborigines.

ON hearing that the aboriginal natives of New Zealand are enabled to sell their land, under no greater restrictions than those which appear in the accompanying Gazette, much surprise and considerable alarm may be naturally caused in the minds of those who are accustomed to attach but little weight to the tenure of land by aborigines, as well as of those who are really interested in their welfare and uphold their rights. Encl. 2, in No. 4.

It may be thought by the former that an irremediable blow has been struck at colonization, and that those who have purchased land at high prices in this colony are treated unfairly ; while the latter, the real friends of the aborigines, may fear that the native race will be speedily dispossessed of their lands, and become miserable outcasts.

It is my duty to show why neither of these results will happen, and on what facts I rely for the success of the measure in question.

Owing to the New Zealand Company having asserted claims to land never rightfully purchased, and the prolonged disputes in consequence of their acts, colonization has been already stopped in New Zealand ; and while land remains at a high price, nobody in this part of the world will buy.

Colonization in the Northern Island (New Ulster), upon the system of bringing out labourers without sufficient capital to employ them, is not only inapplicable, but injurious. Native labour is to be had in abundance, and cheaply, for all ordinary agricultural purposes. The capitalist and the mechanic can alone insure success for themselves, and be beneficial to the colony in its present condition.

That those who have already bought land from Government or the Company at high prices will not be treated unfairly, I prove, by showing that the value of their own lands, however dearly bought, will fall to nothing unless the colony prosper ; and to make it prosperous, settlers as well as natives must be brought to act in unison for mutual benefit. Land must be made easy of attainment in small quantities, when sellers and purchasers fully agree to the transfer. Trade must be encouraged and fostered in every possible way, and by such means alone can the lands held now by persons who paid high prices for them, be made really valuable.

The only efficient steps that can now be taken in favour of the Company's settlers, who cannot get the land for which they paid in England, are promoting commerce and facilitating the acquisition of limited portions of land.

The natives are eagerly desirous of trade; they anxiously wish for intercourse with Europeans, especially the English; but they are so tenacious of their rights that, even for our most valued articles of property, they will not forego a point of honour (in their estimation).

Nothing, except Christian influence, will tend so much or so quickly to civilize and bring together the various tribes, as increase of trade and consequent industry.

The more they become occupied by commerce and agriculture, the sooner will warlike habits and thoughts cease among them, and general peace be the consequence.

Idleness is now the great bane of the native population.

Permission to purchase land in certain districts, or rather consent being given to waive the Crown's right of pre-emption in certain limited places, is a power that may be used with the greatest advantage to the colony, as it at once enables the Governor to encourage those natives who treat the English well and adopt our laws, while it enables him to place under a ban, as it were, those tribes who act differently.

I am fully sensible that this power might be greatly abused, and that partiality in favour of individuals purchasing might be shown to a great extent.

Against this possible evil I can only set personal character and responsibility. A governor who is known by every one here to have neither land nor private interest of any kind in the colony, may perhaps be trusted with such power during the present extremely critical state of New Zealand.

I will now show why there is no cause for anxiety on behalf of the natives.

The last four years intercourse with so many of our countrymen, the examinations of the Land Commissioners, the advice and explanations of the protectors, the missionaries, and those who are interested in the welfare of the native race, as well as the competition of Europeans themselves, for land at auctions and on other occasions, have so completely informed the natives of the value of land, that there is not now any doubt of their ability to manage their own transactions of this nature, as far as relates to their own present interests.

With respect to the interests of their descendants they are indifferent, and require the provision of at least a tenth of all lands sold, besides extensive reserves in addition.

Notwithstanding the appearance of facility in obtaining land under the regulations in the annexed Gazette, there is and will be far less real facility than will be imagined by those who have not been actually concerned with land questions in this country. Small pieces, suitable for distressed settlers who have been disappointed in obtaining land elsewhere, may be obtained easily, it is true (I allude to portions of land not exceeding about 100 acres), but to make a valid purchase of a large tract (exceeding perhaps 1,000 acres), very great trouble, patience and expenditure of time are necessary, besides an accurate knowledge of the native language, or the employment of a good interpreter.

To effect a valid purchase of a tenth part of such districts as have been claimed by the New Zealand Company, by the Manukao Company, by Mr. Wentworth or others, would be quite impossible, on account of the numerous, separate or intermixed interests of various tribes, families and individuals.

The Imperial Land Sales Act being applicable only to "waste lands of the Crown," not to lands belonging to the aborigines, is in no way contravened by any of the regulations in the annexed Gazette.

Exchanges of land, as authorized by your Lordship, and which promise to be of great advantage to the community, have caused the price of land to fall to about 3s. an acre in the vicinity of the capital, although choice spots (exceptions to the general rule), still realize more than 1l. an acre.

Many settlers have exchanged their lands at Hokianga, or elsewhere at a distance from Auckland, where their property is not so secure, for inferior land near this place; and now they are offering the greater part of these lands, so obtained by exchange, for sale.

They realize usually from 2s. to 10s. per acre, according to their situation.

I have, &c.,

(signed) *Robt. Fitz Roy*, Governor.

Auckland, 14 October 1844.

Enclosure 3, in No. 4.

EXTRACTS from Minutes of the Executive Council.

Thursday, 10 October, 1844.

Present:—All the Members.

Encl. 3, in No. 4.

THE Governor next brought before the Council the very great dissatisfaction of the natives with respect to the restrictions placed on the sale of their land, and proposed that an alteration he was anxious to introduce in the existing regulations should be considered. Mr. Clarke, chief protector of aborigines, being in attendance, was introduced.

The

The Governor read a letter, of date 9th October 1844, from the chief protector of aborigines, marked "confidential," addressed to his Excellency, on the subject of the very great dissatisfaction existing in the minds of the natives, in consequence of the restrictions placed on the disposal of their lands, after which, and a discussion of the subject, the Governor put the following questions to the council :—

1. *The Governor.*—Do you consider that any alteration in the regulations now in force respecting the purchase of land from the aboriginal natives, is necessary at the present time?

The Colonial Treasurer.—I do.

The Attorney-general.—I consider an alteration is expedient, and that it will become necessary to remove any such direct charge as a fee payable to Government for waiving the Crown's right of pre-emption, but if such a step were immediately taken, and not confirmed by Her Majesty's Government, much evil would be the consequence; and in the absence of a pressing emergency, upon which subject I consider his Excellency to be best informed, it would be more prudent to await the decision of Her Majesty's Government.

The Colonial Secretary.—As a matter of justice and policy, I have not the shadow of a doubt about the propriety of waiving the Crown's right of pre-emption, in cases where it might be considered admissible, without the payment of any fee. My only doubt is with respect to the time of making the change. I should wish that the Home Government were made fully aware previously of its necessity, if the circumstances of the colony would permit; but as your Excellency knows so much more of the present discontent of the natives than I do, your opinion in favour of it, supported so strongly by the protector of aborigines, will prevent me from being of a contrary opinion, and also, as you have so much better means of forming an opinion as to the likelihood of Her Majesty's Government sanctioning the change.

2. *The Governor.*—Do you think that any change will be necessary at a future time? And if so, when?

The Colonial Treasurer.—I consider a change now desirable.

The Attorney-general.—Yes, as soon as the approval of Her Majesty's Government has been obtained.

The Colonial Secretary.—Yes, as soon as the approval of Her Majesty's Government can be obtained, and the sooner the better; my only objection being the want of the approval of Her Majesty's Government.

3. *The Governor.*—What do you consider such change or alteration should be?

The Colonial Treasurer.—A reduction in the fee.

The Attorney-general.—The entire removal of any direct charge or fee upon granting permission to purchase land from natives.

The Colonial Secretary.—That it should be reduced to a charge so low as to defray the expense of issuing the grant, and also to preserve the right of the Crown.

4. *The Governor.*—What will be the probable consequence after some time, say another year, has passed, if no change should meanwhile be made in the existing system?

The Colonial Treasurer.—Universal discontent on the part of the aborigines.

The Attorney-general.—Looking to the efforts made by ill-affected Europeans, to work upon the feelings of the natives on this subject, the delay of a twelvemonth would materially increase the extent and intensity of the present dissatisfaction.

The Colonial Secretary.—I should expect that every pretext would be taken advantage of, on the part of the natives, for committing outrages; and perhaps that civil war might be the consequence.

The Governor then put the same question to the Chief Protector of Aborigines, who replied:

I should be apprehensive that the island would be in a state of anarchy and confusion, owing to the influence of the European population on the minds of the natives on the subject of selling their land.

The Governor then came to the following conclusion:

"That the decided step should be taken at once of allowing restricted and limited sales of land, without the payment of direct fees. The responsibility of carrying the measure into immediate execution resting with myself, after having carefully weighed every competent opinion on the subject; and having considered that those opinions by which I am bound to be more particularly guided, are such as would unquestionably be given by discreet and able persons, fully weighing the orders and instructions of the Home Government, but not fully aware, as I am myself, from recent personal evidence, of the actual state of feeling and the existing views of both natives and Europeans throughout the colony. And moreover, being thoroughly convinced that such a step, taken now, will tend materially to the mutual confidence and prosperity of both races; but if deferred, must inevitably be taken at a future time, when its effect will be comparatively valueless, from appearing to be the result of constraint, instead of a sense of justice and benevolence."

The Chief Protector of Aborigines withdrew.

The Governor then decided to issue a proclamation respecting sales of land, the draft of which being submitted to the Council, it was determined that, for the purpose contemplated by his Excellency, such proclamation met with the approval of the Council.

Enclosure 4, in No. 4.

The Chief Protector of Aborigines to Governor *FitzRoy*.

(Confidential.)

Sir,

Protector's Office, Auckland, 9 October 1844.

Encl. 4, in No. 4.

I do myself the honour to call your Excellency's attention to the increasing disquietude of the natives at the Bay of Islands, Hokianga and Auckland.

There can be no doubt but the authors of the existing feeling manifested by the natives towards the British flag, in their cutting down the flag-staff, and in other acts of insubordination, are the * * * and the * * * living among them, who have taken great pains to point out to the natives, that Her Majesty's Government had adopted oppressive measures towards them, especially on the following points: namely, in that of establishing customs, and claiming the sole right of pre-emption. The first they considered prevented vessels from entering their harbours; and the few that did enter they were prevented from trading with; the latter kept them from alienating their lands. The former grievance has been met by the abolition of customs, the latter remains, to the very great disquietude of the native population; and I feel that I should be wanting in duty to your Excellency, as well as incur a great responsibility, were I to attempt to conceal the fact, that I am apprehensive that the peace of the country cannot be secured, without something being done to admit of their alienating such portions of their land as they can very well spare, without injury to themselves and their children.

In my last report, I alluded especially to this subject, and pointed out to your Excellency the disappointment manifested by Europeans and natives at their being obliged to pay 10 s. an acre to Her Majesty's Government, to enable them to buy land from the natives; that feeling on the part of the natives is daily increasing, and applications are continually made to your Excellency for the removal of this impediment, in order that they may complete their engagements, pay their debts contracted before Her Majesty's Government was formed, and procure what appears to them essential and necessary.

At the present time there are no less than three small vessels which the natives about Auckland have partially engaged to purchase, and they are manifesting a very restless feeling at the existing restrictions. This is evident, by the deputations of chiefs continually waiting on your Excellency for the removing of the restriction; and although they are always respectful to your Excellency, and quite constitutional in the way they are seeking to remove the grievance, it is to be apprehended that they may, if still refused, become less friendly, and might adopt other measures of getting rid of what appears to them great injustice.

Having thus submitted, for your Excellency's consideration, the present feelings of the natives on the subject of restrictions to the alienation of their disposable lands, I feel I have only discharged a duty which I owe to your Excellency and to the natives, and which has hitherto been a subject of considerable anxiety to my own mind.

I have, &c.

(signed) *George Clarke*,
Chief Protector Aborigines.

Enclosure 5, in No. 4.

THE TREATY OF WAITANGI.

Encl. 5, in No. 4.

HER Majesty VICTORIA, Queen of the United Kingdom of Great Britain and Ireland, regarding with her royal favour the native chiefs and tribes of New Zealand, and anxious to protect their just rights and property, and to secure to them the enjoyment of peace and good order, has deemed it necessary, in consequence of the great number of Her Majesty's subjects who have already settled in New Zealand, and the rapid extension of emigration, both from Europe and Australia, which is still in progress, to constitute and appoint a functionary, properly authorized, to treat with the aborigines of New Zealand for the recognition of Her Majesty's sovereign authority over the whole or any part of those islands. Her Majesty, therefore, being desirous to establish a settled form of civil government, with a view to avert the evil consequences which must result from the absence of the necessary laws and institutions, alike to the native population and to Her Majesty's subjects, has been graciously pleased to empower and to authorize me, William Hobson, a captain in Her Majesty's Royal Navy, Consul and Lieutenant-governor over such parts of New Zealand as may be, or hereafter shall be ceded to Her Majesty, to invite the confederated and independent chiefs of New Zealand to concur in the following articles and conditions:

Art. 1.—The chiefs of the confederation of the united tribes of New Zealand, and the separate and independent chiefs who have not become members of the confederation, cede to Her Majesty the Queen of England, absolutely and without reservation, all the rights and powers of sovereignty which the said confederation or individual chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective territories, as the sole sovereigns thereof.

Art. 2.—Her Majesty the Queen of England confirms and guarantees to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive and undisturbed possession of their lands and estates, forests, fisheries and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession; but the chiefs of the united tribes, and the individual chiefs yield to Her Majesty the exclusive right of pre-emption over such lands as the

the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them on that behalf.

Art. 3.—In consideration thereof, Her Majesty the Queen of England extends to the natives of New Zealand Her royal protection, and imparts to them all the rights and privileges of British subjects.

(signed) *W. Hobson.*

Now, therefore, we the chiefs of the confederation of the united tribes of New Zealand, being assembled in congress, at Victoria, in Waitangi, and we, the separate and independent chiefs of New Zealand, claiming authority over the tribes and territories which are specified after our respective names, having been made fully to understand the provisions of the foregoing treaty, accept and enter into the same in the full spirit and meaning thereof.

In witness whereof, we have attached our signatures or marks, at the places and dates respectively specified.

Done at Waitangi, this 6th day of February, in the year of our Lord 1840.

(512 signatures.)

COPY of the TREATY of WAITANGI, in the Native Language.

Ko Wikitoria te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani, i tana hiahia hoki kia tahungia ki a ratou o ratou Rangatiraitanga me to ratou wenua, a kia mau tonu hoki te Rango ki a ratou me te ata noho hoki, kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira hei kia wakarite ki nga tangata maori o Nu Tirani. Kia wakaetia e nga Rangatira maori te Kawanatanga o te Kuini ki nga wahi katoa o te wenua nei me nga motu. Na te mea hoki he tokomaha ke nga tangata o tona iwi kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakarite te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata maori hi te pakeha e noho ture kore ana.

Na, kua pai te Kuini kia tukua ahau a Wiremu Hopihona, he Kapitana i te Roiara Nawi, hei Kawana mo nga wahi katoa o Nu Tirani, e tukua aianei amua atu ki te Kuini; e mea atu ana ia ki nga Rangatira o te Wakaminenga o Nga Hapu o Nu Tirani, me era Rangatira atu, enei ture ka korerotia nei.

Ko te tuatahi.

Ko nga Rangatira o te Wakaminenga, me nga Rangatira katoa hoki, kihai i uru ki tana Wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu te Kawanatanga katoa o o ratou wenua.

Ko te tuarua.

Ko te Kuini a Ingarani ka wakarite ka wakaae ki nga Rangatira, ki nga Hapu, ki nga tangata katoa o Nu Tirani, te tino Rangatiraitanga o o ratou wenua o ratou kai nga me o ratou taonga katoa. Otua ko nga Rangatira o te Wakaminenga me nga Rangatira katoa atu, ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata mona te wenua ki te ritinga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko te tuatoru.

Hei wakaritinga mai hoki tenei mo te wakaetanga ki te Kawanatanga o te Kuini. Ka tiakina a te Kuini o Ingarani nga tangata maori katoa o Nu Tirani. Ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(signed) *William Hobson,*

Consul and Lieutenant-Governor.

Na ko matou, ko nga Rangatira o te Wakaminenga o nga Hapu o Nu Tirani, ka huihui nei ki Waitangi. Ko matou hoki ko nga Rangatira o Nu Tirani, ha kite nei i te ritinga o enei kupu ka tangohia ka wakaetia katoatia e matou. Koia ka tohungia ai o matou ingoa a matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepuere, i te tau kotahi mano, ewaru rau e wa tekau, o to tatou Ariki.

— No. 5. —

(No. 37.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

My Lord,

Auckland, 14 October 1844.

I HAVE the honour to forward herewith a document relating to my proceedings in respect of the New Zealand Company's purchase of land at Port Nicholson, which is so illustrative of the difficulties attending any extensive purchase of land in this country, that I regret it was not forwarded with my despatches sent in April last.

I have, &c.

(signed) *Robt. FitzRoy*, Governor.

No. 5.
Governor *FitzRoy*
to Lord *Stanley*,
14 Oct. 1844.

26 Feb. 1844.
Mr. Protector For-
saith to the Chief
Protector.
Not received.

— No. 6. —

(No. 38.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

No. 6.

Governor *FitzRoy*
to Lord *Stanley*,
15 October 1844.

My Lord,

Auckland, 15 October 1844.

IN transmitting the "Blue Book" of this colony for the year 1843, to your Lordship, at this late period of 1844, unaccompanied by a full report, "exhibiting generally the past and present state of the colony, and its prospects in every political branch," (Colonial Regulations, p. 60, Art. 6), it is my duty to account for such delay and omission.

I arrived in New Zealand the last week in December 1843, when the Officer administering the Government up to that period, who was also Colonial Secretary, resigned his office.

There were no materials in the public offices digested, prepared, or even collected for the compilation of a "Blue Book." There was no trace of any report; directions were immediately given for obtaining the required data; but owing to the distance between the various settlements, the want of method in some of the officers from whom returns were required, and the extraordinary press of current business to which the present Colonial Secretary and myself have been obliged to attend ever since our arrival in the colony, the Blue Book for 1843 was not completed till the end of last month.

In the Colonial Secretary's statement to me, accounting for the delay and incompleteness of some of these documents, he says: "The Blue Book for the past year, now at last submitted, is as perfect as, with the very meagre details we have had, we have been able to make it."

"No financial return that could be relied on, could be obtained until very lately; and many of the returns from the southern settlements, although very insufficient, we have been obliged to make the best of, as time would not admit of their being returned for alterations or additions."

A brief report, in my own estimation a very insufficient and unsatisfactory one, is herewith transmitted. With the Blue Book for this year, which will be completed at the earliest possible period, I will forward a full and comprehensive report.

I have, &c.

(signed) *Robt. FitzRoy*, Governor.

*Vide Governor
FitzRoy's Dispatch
15 October 1844,
infra.*

— No. 7. —

(No. 39.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

No. 7.

Governor *FitzRoy*
to Lord *Stanley*,
15 October 1844.

My Lord,

Auckland, 15 October 1844.

WITH the "Blue Book" of this colony for the year 1843 is an explanation of the reasons which have hitherto delayed its transmission, and which have prevented its contents from being satisfactory.

Although not in the colony during the period referred to, I have collected some authentic information respecting the past and existing state of the colony and its prospects, some of which I will now place before your Lordship in as succinct a form as possible.

Referring in the first instance to the state of the colony at the end of 1843, and during the previous time.

At the first establishment of British authority in New Zealand, the most extravagant notions were entertained of the expense to be incurred and the forces to be employed by Great Britain.

Examples of extravagance were too readily followed. Money was then abundant at Sydney, and speculators were very sanguine. The consequences to this young colony were most pernicious. Every one lived beyond his means; and many borrowed money at exorbitant rates of interest in order to buy land, especially town allotments and water frontages.

Speculation of the most absurd kind prevailed for a time, and numerous were the allotments purchased at high prices by persons who thus exhausted their means, and then found themselves utterly unable either to build or cultivate. Houses were built which could not be used. Farms were bought which could not be stocked; and of course great distress has been the consequence.

Had

Had the land been bought at a cheap rate, the means exhausted in purchase might have been employed in cultivation, and the colony would have been self-supplied with most things in a very short time, after which there would have been exports.

I should be wanting in candour, did I not acquaint your Lordship that the system of selling land here at a high upset price did much to augment these evils. A temporary supply of funds was undoubtedly raised, which made a show of prosperity; but, my Lord, how specious was that show? The thousands of pounds drawn from thoughtless settlers, who believed a thriving city was to be raised by some immediate process, were the very seeds of prosperity which should have been scattered on the land. Had the Government retained possession of a considerable quantity of valuable land, and let it on lease, as at Singapore, at a moderate, but certain and increasing revenue might have been raised.

I am also bound to inform your Lordship, that the measures adopted towards those earlier settlers who had really acquired tracts of land by fair purchase, tended to much harm.

Those speculators who assumed to have bought many thousands, nay millions of acres, never could have substantiated any claim, because they never had made valid purchases; but there were many whose purchases seemed large on paper, however valueless much of their land might be, who had fairly acquired a few hundred, or a few thousands acres of land, with the full consent of the aboriginal owners; and these persons not only suffered much from delay, expense, uncertainty and inability to make any progress during three years, but the natives who sold to them became exceedingly irritated, taking up their cause, and saying, "if the Queen acts thus towards her own people, what will she do to us?"

The interference, for instance, with Mr. Fairburn's property, however necessary in his case, raised a commotion among the Waikato tribes, which caused great alarm, but was hushed up, although they were then so irritated, as to be on the point of rising against the local Government; and they are the most powerful tribes in New Zealand.

While it was the object of the local Government to raise as much money as possible by the sale of lands, irrespective of the real interests of the settlers and the colony, it was of course an object to take as much as possible from the old settlers, with the view of those lands (not reverting to their original owners, but) becoming disposable for sale by the local Government.

Such a step as selling those "excess lands," was happily never attempted, however generally contemplated. The natives would never have allowed it to take effect; and the attempt to do so would have injured the character of the Queen's Government very seriously, if not irretrievably; so tenacious are the natives of what they consider to be strict justice. As yet it is quite impossible to make them comprehend our strictly legal view of such cases.

Owing principally to these causes above mentioned, there was a great stagnation in the colony, after the first two years of excitement had passed. The public revenue diminished rapidly. Trade diminished, because there were then neither exports nor funds. People lived on the remains of whatever capital or property they had not expended. No titles to land were issued. Government payments became tardy and uncertain. Salaries were allowed to be several months in arrear, the local Government having neither money nor credit; and to this unhappy condition was the colony reduced, notwithstanding its extraordinary natural resources, at the termination of the year 1843.

The prospects of the colony at the end of that year were very gloomy. The value and extent of mineral resources were then unknown. The fertility of the soil and the excellence of the climate were comparatively useless, without capital and without a market. Salaries of government officers were four months in arrear. Contingent payments were overdue by Government for an equally long period; and the feelings between the two races were not merely questionable, but becoming daily less satisfactory.

I have, &c.

(signed) *Robt. FitzRoy*, Governor.

P. S.—Although, not strictly speaking, connected with this report for 1843, it may be useful to attach a short memorandum, enumerating some of the principal

cial resources of New Zealand, on which future reliance may be confidently placed.

Peace, confidence and capital are alone wanting to draw forth the treasures, and prove the value of this interesting and productive country.

(signed) *Robt. FitzRoy*, Governor.

Enclosure in No. 7.

MEMORANDUM on the products of New Zealand.

Enclosure in No. 7. ANIMALS imported into this country thrive and increase greatly. There are no beasts of prey, except dogs. Fowls of every domestic kind are becoming abundant. Bees succeed admirably. Hides are good and heavy. Wool is excellent; the fibre being of uniform quality and thickness, owing to the equable temperature of the climate and continuance of pasture. Timber abounds, of all qualities. Bark, fit for tanning, is plentiful. Dyewoods are numerous. All European herbage, shrubs, and trees, succeed and thrive rapidly. Clover and grass speedily conquer any fern or weeds allowed to remain on ill-cleared land. All European fruits succeed and ripen well,—grapes, apples, pears, figs, melons, strawberries, peaches, &c. Flax has been undervalued, because an inferior quality has in general been used and exported. The “tihore,” or silky flax is much superior to the common kind, and will become a staple commodity.

Beneath the productive surface of this teeming island are mineral stores, as yet hardly known. If, from merely looking at or scratching some of the projecting corners of the land, at least twenty valuable minerals have already been discovered, in greater or less abundance, what may not be anticipated after years of research in the interior?

The more valuable minerals hitherto found are coal, iron, limestone, copper, tin, manganese, nickel, lead, silver, bismuth, arsenic, cerium, sulphur, alum, rock-salt, marble of various qualities and colours, cobalt, ochre, fuller's earth, asphaltum, pumice, volcanic earths and lavas, &c.

Of the copper, it ought to be remarked, that the per centage of metal is usually very high, and that the ore is easily smelted.

Much of the manganese contains a larger per centage of copper. Both this and the copper can be quarried, rather than mined, in abundance.

Fuller's earth, fire-clay, and stone, fit for furnaces, which the bakers here use for their ovens, can be found any where in this neighbourhood.

(signed) *Robert FitzRoy*, Governor.

— No. 8. —

(No. 40.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

No. 8.

Governor *FitzRoy*
to Lord *Stanley*,
16 October 1844.

My Lord,

Auckland, 16 October 1844.

ALTHOUGH a particular report and explanation of the Ordinance passed in this colony last May (Session 3, No. 4), for authorizing the issue of debentures, and making them a legal tender, is included in the general statement prepared to accompany the collection of Ordinances enacted this year, I think it advisable to forward this special report in addition, as unavoidable delay has taken place in completing the general statement.

I have already explained the urgent necessity which obliged me to have recourse to debentures, as a currency; but I have not stated why it became imperative on me to make them a legal tender, so far as I might be enabled to do, pending your Lordship's opinion and the confirmation of Her Majesty.

Soon after the first issue of these debentures, attempts were made to depreciate their value, by selling them at public auction, and by making a run upon the bank.

The bank directors informed me, that unless I could assist them, the bank must stop payment, and the general distress in this part of the island would be very great. The only way in which the local Government could assist the bank was by making these debentures a legal tender, and thereby enabling the bank to receive and pay them in lieu of its own notes or specie.

The Legislative Council was sitting. A bill was immediately brought in and passed, notwithstanding great opposition by two members, whose fears have been proved groundless.

The

The issue of 15,000 £. in debentures was sanctioned, and they were made a legal tender, as far as the local Legislature could make them so.

That the Ordinance will be disallowed I think probable, on account of the 14th article of Her Majesty's instructions to the Governor of this colony; but in the mean time the beneficial results of the measure will have been in full operation, and the disallowance, provided that means be obtained for liquidating the debt incurred, will not cause inconvenience.

By these debentures the local Government has been saved from inefficiency, the bank has been saved from absolute bankruptcy, and its shareholders from extreme difficulties, if not utter ruin; and the colony generally, but especially this settlement, from a state of distress during an unusually severe winter, which it is even now painful to contemplate.

I need now say no more than that the debentures are current at par; that the settlements are thriving; that the colonists, although very poor, are improving in their circumstances and prospects; that the bank has escaped, and is now perfectly solvent (to the great advantage and credit of the mercantile character of Auckland); and that no Government payments, except half salaries for the last quarter, are in arrear.

I have, &c.

(signed) *Robt. FitzRoy*, Governor.

Enclosure in No. 8.

ADDRESS to the Legislative Council at Adjournment.

Gentlemen,

Auckland, 28 September 1844.

I AM now prepared to close this short but most important Session of our Colonial Legislature. Encl. in No. 8.

There can be no doubt that the decision to which we have unanimously agreed, respecting the abolition of customs, and the substitution of a low rate on property, will be of vital consequence to the prosperity of New Zealand.

That principle, so beautiful in theory, so difficult to be carried into practice in old countries, the principle of free trade, we have here in this new country (as it may be called), in this youngest of colonies, endeavoured to carry into effect. I say endeavoured, because the sanction of our gracious Sovereign the Queen is necessary, in order to make that a permanent, which is now a temporary law, namely, the property rate ordinance.

That Her Majesty will be advised to confirm this ordinance, I cannot doubt; the peculiar character and unique condition of New Zealand appear to leave open no other wise course.

Nothing less than the most urgent sense of imperious necessity would have induced me to act so promptly, and so decidedly, as I may appear to have acted on this important question.

The political horizon may be viewed more generally and completely from an elevated position. Dangers may thence be seen, not yet visible from other places. It is impossible to show to many the view obtained from a spot accessible to few.

One word more, and I will refrain from trespassing further on your valuable time, so cheerfully and perseveringly given to the interests of your adopted country.

The property rate established by the ordinance, to which I have expressed my strong conviction that so much importance attaches, is founded (as you are well aware, having contributed so materially to its construction) on the joint basis of person, property and income.

By taking these into consideration together, a scale has been formed according to which each individual may be rated to the country; and as every one is alike interested in its efficient operation, I rely with confidence, under God's blessing, on the general and cordial assistance which I believe will be given by our community.

(signed) *Robert FitzRoy*,
Governor.

— No. 9. —

(Confidential.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

My Lord,

Auckland, 19 October 1844.

It was my intention to have left Auckland in Her Majesty's ship "Hazard," on the 7th of this month; but another disturbance at the Bay of Islands obliged me to remain within reach.

No. 9.
Governor *FitzRoy*
to Lord *Stanley*,
19 October 1844.

In apprehending a notoriously bad character (an Englishman named Bryars) a native woman was accidentally hurt by one of the constables; and, according to the old customs of the aborigines, compensation should be given. The police magistrate treated the affair as too trifling to be noticed; upon which some turbulent natives took the law into their own hands, and drove away eight horses belonging to an unoffending and respectable settler named Wright, saying they would keep them till satisfactory compensation were made for the injury done, not by Mr. Wright, but by a European, to one of their relations.

The annexed documents will show more in detail the nature and origin of this occurrence, which, taken by itself, is not of much consequence, but taken as additional evidence of the unsettled and lawless, if not insurrectionary, disposition of many natives about the Bay of Islands, assumes a character of real importance.

On the 13th instant Her Majesty's ship "North Star" arrived here, on her way to Van Diemen's Land, and Sir Everard Home, with his usual readiness to forward Her Majesty's service, consented to remain until this matter could be arranged.

Yesterday Her Majesty's ship "Hazard" returned from Russell (Kororareka) with the Chief Protector of Aborigines, bringing intelligence that the affair was amicably settled; but also warning me that the influence of the well-disposed chiefs is becoming weaker, and that there are designing persons at work there, whose object is to create disturbances, in order to bring the English, especially the Government and the missionaries, into disrepute * * * *

In my last confidential letter to your Lordship I spoke of both * * and * * * intriguers. I have no doubt that the frequent and open assertions of the former respecting the British flag, and the quiet though continual efforts of the latter, have already done great mischief; and, had they but sufficient fulcrum on which to place their lever of agitation, they would succeed in their object—that of bringing about a resistance of British authority, and an open unqualified denial of Her Majesty's sovereignty.

Heke, Kinghi, Pure, and others, are but tools in the hands of these designing men, who visit them, and fill their minds with accounts of what England has done to the aborigines of Van Diemen's Land and New South Wales (places they know well), keeping out of view what has been done by other nations in America and Africa.

That your Lordship may have a better idea of what is going on, I enclose a correspondence held with Heke and Pure, since my return from the Bay of Islands.

Having removed the restrictions of the Customs' establishment, and allowed the natives to sell their land under such restrictions only as are undeniably and palpably for their own advantage, I feel satisfied that the foundation on which British authority rests in New Zealand is secured; and by giving small salaries, with dresses or distinctive marks, to the principal chiefs, so as to uphold their influence as much as possible, I do not doubt that the peace of the country will be generally maintained, if your Lordship will materially strengthen both the military and the naval force.

I urge this the more earnestly on the attention of your Lordship, because each succeeding month brings stronger conviction to my mind of the very great political importance and of the immense value of this country.

I feel fully how apt all men are to over-rate things in which they themselves are personally interested; but, my Lord, I have seen much of other countries; I have only a temporary, perhaps a very temporary, immediate interest in New Zealand; but, as a faithful servant of Her Majesty, I should greatly neglect my duty, did I not again and again set forth in the strongest language the extraordinary resources of this country, and the extreme importance of not conquering and exterminating—God forbid—but of preventing any hostile collisions among the natives, of over-awing ill-disposed Europeans as well as natives, and ensuring the peace of the country, (the only sure key to its ultimate prosperity, and the preservation of the aboriginal race,) by keeping such a force in sight as will completely check attempts to disturb the peace.

It is necessary I should state to your Lordship, that the great danger to be apprehended in New Zealand is retaliation on unoffending persons, settlers in the interior, or at a distance from the principal settlements. Among the heathen natives, and among many who profess Christianity, blood-revenge is still their practice, if not their law.

1.
Confidential,
4th October 1844.
The Rev. H. Williams
to the Chief Protector.

2.
Mr. Wright's affidavit,
sworn at Russell,
8th Oct. 1844.

3.
The Police Magistrate
at Russell to the Colo-
nial Secretary,
15th Oct. 1844.

4.
The Police Magistrate,
16th Oct. 1844.

5.
The Chief Protector,
19th Oct. 1844, to
the Colonial Secretary.

6.
Heke Pokai.

7.
The Governor,
5th October 1844.

8.
Hira Pure.

9.
The Governor,
5th October 1844.

Were a conflict to take place, in which the lives of natives were lost, in all probability the lives of persons unconnected with the affray would be taken; and a personal quarrel, or mere chance-medley, might lead to a general rupture between the races; there is no doubt that upon sufficient cause the tribes of New Zealand, however inimical to each other under ordinary circumstances, would, in case of hostilities with Europeans, unite and act in concert.

The only means, under God's providence, of avoiding such a consequence of the benevolent efforts of Great Britain in behalf of the New Zealanders, and in support of her own settlers at the antipodes, is to be most cautious in all our proceedings; to take care that our conduct and policy towards the aborigines is so undeniably correct and just, that it will stand their most searching scrutiny; and that we maintain so large a military force in the colony, that organized resistance to it may be quite hopeless.

It is the opinion of all the military men with whom I have conversed in this colony, and it is the opinion of those who are most competent to advise with me on this subject, as well as my own, that the organization and employment of a militia would not only be useless, but dangerous; and on this account the Militia Bill which I laid before the Legislative Council, in obedience to your Lordship's instructions, was postponed; there is so much rancorous feeling towards the natives among some of the settlers, that arms cannot be trusted in their hands, unless in a case of the most extreme emergency.

The fact of the settlers arming and training would alarm the natives and destroy their confidence in our ultimate intentions; whereas the presence of additional troops does not do so while the settlers remain unarmed; the natives understand that the soldiers are to support our law, and defend our property; they are accustomed to the soldiers, and treat them with respect, but confidence, because they have never abused the power they are known to possess.

Towards armed settlers there would be a very different feeling, and if called out, awkwardness or fear might bring on a collision, which need not occur if well disciplined troops were employed; then would follow retaliation on the settlers.

It is the presence of force, not the employment of it, that is so much required in the present state of this colony.

The good effects of the timely visits of Her Majesty's ships "North Star" and "Hazard," together with the prompt military aid afforded by Sir George Gipps, have been as marked as opportune.

There are now very strong reasons for the presence of a regiment of the line, and at least two ships of war, in New Zealand. The speedy appearance of such a force may save years of misfortune, misery and bloodshed.

The influence of the elder chiefs is impaired; some of the young aspiring chiefs are desirous of making a name for themselves, and, having nothing to do, wish for war. They deride and oppose the old men and the christian natives.

Were there a military power in the country sufficient to guarantee the safety of the well-disposed, we should, in the event of hostilities, have the majority at least of the native population on our side, and actively our friends; but, as the case now stands, they would remain neuter.

A shrewd chief, of much influence in the interior of the country, said to Mr. Shortland (the Protector), "When you have 500 soldiers in New Zealand, besides those at Auckland and Wellington, I will acknowledge the Queen's authority, and act under your Governor; but till you have strength enough to defend me against my enemies, I must not take part with you, and expose myself."

The greatest benefit that England could now confer on New Zealand, would be to place such a force in the country as would encourage and protect the old friendly chiefs, the christian natives, and the well-disposed of all classes, while it would effectually prevent disturbances of a serious or lasting character.

More than one ship of war is necessary, because the settlements are so remote that her visits can be but transient and occasional.

The prosperity of the colony, if not its tenure by Great Britain, depends on decisive and efficient measures taken in time, before the now growing evils become fully developed.

I have, &c.

(signed) *Robt. FitzRoy*, Governor.

10.
The Rev W. Lawry,
24th Sept. 1844,
to the Governor, with
extract of a Letter from
the Rev. Mr. Hobbs.

11.
The Chief Protector,
30th Sept., to the
Colonial Secretary;
Report of visit.

Enclosure 1, in No. 9.

(Confidential.)

My dear Sir,

Paihia, 4 October 1844.

Encl. 1, in No. 9.

I HASTEN to give you a few lines respecting a fresh commotion, of which I presume you will hear; however, I will give my version of what I can collect. About three weeks since the police-boat, or a boat with constables (four, I think) went up the Kawakawa to apprehend a European who was living then with a native woman, sister to a young man of whom you have some knowledge, Waremu. The European was living about a mile from the pa, close to the river. The constables arrived between three and four in the morning at the house, and knocking, the door was opened by the woman, supposing it to be some person in the neighbourhood; as soon as she saw her mistake she became alarmed, and endeavoured to force her way out, but was seized by two of the men and forced back; she again attempted to rush out, and was again seized by three of the men, a fourth being in the doorway with a sword in his hand. She still continued to force her way, and in the scuffle received a cut in the hand from the sword. The following day the party came down to Kororareka to Mr. Beckham and the protector, by whom it was considered as a trifling circumstance and dismissed. The natives came a second time and were dismissed as at the first. Yesterday morning they came down to Captain Wright's and seized eight of his horses, assigning as a reason that the woman had been ill-used by a "Pakeha" (European), and consequently they had come to the first they met with. Both Mr. Beckham and the protector appear to regret that the wishes of the natives had not been complied with in the first instance, when their desire did not exceed the possession of a colt. This morning I went up the river to these people, with whom was Kawiti. The old man said nothing; the young ones used very improper language, and finally took the horses up the river. Of course Kawiti gave his "wakaae" (consent). I spoke to them as closely as I knew how, but as yet they are masters of the field. I purpose going up the river to-morrow, and learn the state of affairs. The Wrights are in a serious way, and would sell off if there was any one to purchase, and leave the land. Indeed I am fearful of consequences. We appear to be growing weaker and weaker every day.

It is a satisfaction to know that Captain Wright has nothing to do in the affair. The natives were all armed when at his house, and appeared determined to carry their point against any opposition that might be offered. What the Governor may do, I know not; but I fear there is considerable ill-feeling amongst all the tribes.

G. Clarke, Esquire, &c. &c. &c.

Yours faithfully,
(signed) *Henry Williams.*

Enclosure 2, in No. 9.

AFFIDAVIT of *John Wright.*

New Zealand, to wit.

Encl. 2, in No. 9.

John Wright, being sworn, states, that on Thursday morning the 3d instant, himself and family were alarmed by hearing that a party of armed natives were at the back of his house. On going out, deponent found that they were catching his horses, and part of them were in the act of leading some of the horses out of the stable. On deponent and Mr. Hingstone going towards them, they levelled their muskets at them, and told them to go back, or they would fire on them if they offered any resistance to their taking the horses; after much entreaty, deponent got the natives to answer the first question "What had he or his horses done, that they should take them in this clandestine manner?" Several voices then answered, "Nothing! nothing! but we must take them; for Woods, the constable, has cut Kohu's hand; she is a queen, and we have applied to Henry* for payment, who says it is nothing, and is hard towards us; so is Mr. Beckham; we have, therefore, come to take your horses, and shall keep them until Mr. Beckham or Henry pay us for the blood that has been shed; when they do so, we shall return your horses." Deponent then asked the natives to leave him two horses, as that was the only means he and Mr. Hingston had of attending the supreme court; the natives replied, "You have got your boat; you can go in her." Deponent told them he had no crew; the natives said, "You can pull yourselves." Deponent then remonstrated with them on the injustice, inconvenience and loss he should sustain by their taking his horses as security for the payment of the offence of another; they answered deponent, that we were all English, and that his horses should not be hurt, but that they must take all, and would return them when they were paid.

* Mr. Henry Kemp.

(signed) *John Wright.*

Sworn before me this 8th day of October 1844.

(signed) *T. Beckham.*

Enclosure 3, in No. 9.

Sir,

Police-office, Russell, 15 October 1844.

Encl. 3, in No. 9.

I HAVE the honour to acknowledge the receipt of your Excellency's letter by the "Lady FitzRoy," which arrived on Friday last, at 4 P. M.; and, as Mr. Hunter informed me, that his

his vessel was sent expressly to convey your Excellency's despatch, I have taken upon myself to detain her, that I might be enabled to give a definite reply, as, on her arrival, I was negotiating the native affair with every prospect of its being amicably arranged; but as the "Hazard" arrived this morning at eight o'clock, it is unnecessary to keep the "Lady FitzRoy" any longer.

I am going to Paibia immediately for the purpose of receiving the horses; after which, compensation is to be given for the cut on the woman's finger, and then, I believe, payment will be given by the natives to Mr. Wright for the injury he has received.

The "Hazard" will in all probability leave this for Auckland to-morrow night.

I have, &c.

His Excellency Governor FitzRoy,
&c. &c. &c.

(signed) *Thomas Beckham, P. M.*

Enclosure 4, in No. 9.

Sir,

Police-office, Russell, 16 October 1844.

I HAVE the honour to acknowledge the receipt of your Excellency's letter by the chief protector of aborigines, who arrived yesterday, and in reply thereto, beg to state, that the affair with reference to the seizure of Mr. Wright's horses has been settled in the following manner; six have been delivered up, and the chiefs have signed an agreement to get me the others, should they not arrive this night with Mr. Kemp, who went into the interior for them this morning; after which I gave them, with the concurrence of Mr. Clarke, a colt and about 200lbs. of tobacco as compensation for the injury done to the woman's finger; but I have as yet been unable to get them to make any payment to Mr. Wright for the loss he has sustained.

Encl. 4, in No. 9.

I beg to inform your Excellency that the constables went armed to capture Bryars, in consequence of his having threatened to use violence, and at 3 o'clock in the morning, because they could not catch him by daylight. Bryars' house is situated one mile from the Kawa Kawa pah, and in no way connected with the Maories, otherwise than by his having a native woman living in his house; their going armed was against my most positive instructions, and could I have conceived that their apprehending Bryars would in any way have interfered with the aboriginal population, I should have obtained the assistance of one of the principal chiefs.

I have ordered Mr. Woods, the chief constable, to proceed to Auckland by Her Majesty's ship "Hazard," as the natives affirm that it was by his cutlass the woman's finger was hurt; but he, as well as those who were with him, deny all knowledge of the transaction. I examined the woman's finger, and found the cut to be only skin deep; and from what I can learn, it appears to have been only a pretext for committing the outrage, and I fear that the minds of the natives are still unsettled, and it will require the greatest precaution on the part of the Europeans to prevent similar occurrences.

I have, &c.

(signed) *Thomas Beckham, P. M.*

His Excellency the Governor.

Enclosure 5, in No. 9.

Sir,

Protector's Office, Auckland, 19 October 1844.

I HAVE the honour to report, for the information of his Excellency the Governor, that I proceeded to the Bay of Islands in H. M. S. Hazard, in accordance with private instructions I received from his Excellency, where I arrived on the 15th instant. I immediately put myself in communication with the police magistrate and the Protector of the district, and had the satisfaction of learning that matters were in progress for the settlement of the dispute between the police magistrate and natives, growing out of the arresting of a European man near a native pah, at an unseasonable hour in the night, in which a native woman was slightly wounded. Six of the horses which had been taken from Mr. Wright, until such time as compensation should be made, were brought back soon after I landed, and were delivered up to me; I had them immediately taken over to Mr. Wright's; the two remaining horses were to be given over to the Protector of the district, to be taken over to Mr. Wright's the following day, in consideration of a cask of tobacco and a colt, which the police magistrate agreed to pay the natives as compensation for the injury they had sustained: this arrangement was recommended by Archdeacon Williams, who has been indefatigable in assisting to bring this affair, which threatened the peace of the Bay, to a conclusion.

Encl. 5, in No. 9.

I met the chief Kawiti and others, and urged upon them the necessity of amicably settling these matters, without having recourse to such measures as the young men had adopted,—such as taking the property of an innocent man for the misconduct of another person: they complained of loss of influence, and said they highly disapproved of the

conduct of the young men. I also met Hori Kingi, the young chief, who had been a principal in the late affair, and whose sister it was who had sustained the injury: he remarked that he had twice applied to the police magistrate and the Protector of the district for redress, but could get none, and that he seized upon Mr. Wright's horses merely to bring the police magistrate to terms; had a young horse been given him, as at first demanded, the matter would have ended, but that if he could not meet with redress from the police magistrate, he would take it; and had his sister been killed, he would have taken the life of a European for hers. I showed him the injustice of such proceedings in taking the property of an innocent individual, the which he admitted, but said it was native custom. I named the consequences of such a line of conduct, without holding out any threat; to which he replied, he should first state his grievances to the Protector and police magistrate, and if not attended to, should take the matter into his own hands. The young man was evidently in an excited state of mind, and whether or not he was sincere in what he said, such sentiments would tend to create feelings of insecurity and distrust amongst the Europeans. I mentioned this to him, and told him they would leave him.

The reports respecting Heke's coming to cut down the flag-staff seem unfounded; all was quiet at Kaikohi, and nothing was said about Heke's movements towards the Bay Having, therefore, settled matters out of which the late disquietude arose, I again embarked on board H. M. S. Hazard, and arrived at Auckland on the 18th instant.

Even a superficial observer would soon discover that there is a feeling of distrust and insecurity, both among Europeans and natives, arising from various causes. On the one hand, immense pains have been taken to make the natives believe that Her Majesty's Government is not sincere in assuring them their interests are secured by taking them under Her protection. The moral influence of their teachers has been struck at by the same misguided parties; and it is a remarkable fact that these young men first apostatize from Christianity before they feel themselves at liberty to become troublesome.

Threats have been held out to them which have not been executed, and promises which have not been realized. The present distressed state of trade in the Bay drive many upon mad plans, to return their lost trade, and lead them to adopt plans and raise alarms in the hope that Her Majesty's Government will augment the naval and military force in the country; and not a few, I am apprehensive, are raising the alarm of danger to frighten their less experienced neighbours from their places, thereby enabling them to monopolize the trade. On the other hand, many of the old chiefs, the staunch friends of Europeans, are losing their influence; the young men have held out threats to the Europeans; they have become impatient of restraint, and in several instances have alarmed them by seeking compensation in their own way, instead of quietly adjusting their difficulties.

In order to restore confidence, speedy redress in cases of native wrong should be adopted; a deference to native customs paid, together with kind treatment, would be much towards its restoration. The Europeans would feel less distrust could they be assured that the young men could not be allowed, but in some way punished, when they take the law into their own hands. In order to accomplish this, I would submit that something should be done to raise the influence of the chiefs; nothing has been attempted at present; a regular correspondence should be kept up with the chiefs of every district, and that they should at all times be rewarded for their services in keeping the peace; also they should be given to understand that both the peace and prosperity of the country depends very much upon the exercise of their own powers in connexion with that of the Government.

From the commencement of Her Majesty's Government, the majority of Europeans have held out threats of imprisonment and coercion by the military upon every trifling occurrence between the two races; the late Governor did the same on two occasions, viz., in Maketu and in Taria's case. In these two instances, I submit that the Governor should have been in a position to have given the natives a check, and to have dictated rather than entreated them to make peace amongst themselves.

The peaceable and well-affected part of the native community had promises of protection in their persons and property held out to them against the aggressions of the turbulent natives, which have never been realized; neither has that prosperity attended the colonization of the county been realized which they were led to expect from the late Governor Hobson, and other real friends of the natives.

I have, &c.

The Honourable the Colonial Secretary.

(signed) *George Clarke,*
Chief Protector Aborigines.

Enclosure 6, in No. 9.

Friend the Governor,

Encl. 6, in No. 9.

I WRITE to you to come to me; will you come? Do come, and do not be angry. It is by the lips of the Europeans that the late proceedings were increased and aggravated; in what way can we extinguish this evil? In order that it may be extinguished, I ask you to come here, that we two may quietly and equitably adjust this offence; but if you do not come I say that it will not be extinguished; we shall all remain in doubt without confidence. The Ngapahi are calling out to have this evil buried; you and I are calling out the same. I say, who is to adjust and bury it? You are appointed to adjust these affairs, and bring to nothing great evils (or crimes). You only can adjust and bring to a conclusion this affair about the flag-staff, the evil of which I do not yet know; do therefore come, that we may talk

talk these matters over ; but if you will not come this confusion will remain in the world for ever ; if you will not come this evil will adhere like a blister-plaster, and the end of it will be native (fighting) with native ; but if the affair is amicably adjusted, it will be a mark of your love and peaceable feeling towards us ; and if you thus show your love to us, we will show our peace and love to you, and to the missionaries, but not to bad Europeans and bad natives. If you will consent to come, do come direct to Waimate, and there let us talk, and when we have finished our talk let us go to Kororarika, and there let the matter end ; but if you will not come, I have nothing more to say than this, that I shall cease to look and think favourably of your good words ; then I shall call to the infernal gates to burst and deluge the world with darkness ; but if you will be pleased to come, write me a letter, and if you decide on not coming, write in order that I may know that you will not come.

The reason I did not attend the meeting at Waimate was for fear of a collision (or quarrel) with the natives.

(signed) *H. H. Pokai.*
(Hone Heke.)

Enclosure 7, in No. 9.

Friend Heke Pokai,

Auckland, 5 October 1844.

Encl. 7, in No. 9.

I HAVE received your letter sent to me by Mr. Clarke, asking me to see you, and expressing good thoughts. I am not angry ; I am sorry that your own jealousies and ill-disposed Europeans had deceived you. I shall be glad to talk over many things with you, face to face, and examine and prove what now may seem doubtful.

In the summer, in a few months, I shall be at the Bay of Islands, probably at the Waimate ; I wish to visit my old friend Mr. Davies, whom I have not seen for nine years, and some of the chiefs in that neighbourhood. We shall then have a good opportunity of meeting and talking quietly.

You say that, till I see you, doubt without confidence will prevail. When you know me better, and have talked about all things fully, you will feel as much confidence in me, and in the kind intentions of the British Government, as I now feel in the good sense and intelligence of the chiefs of New Zealand.

The evil about the flag-staff, which you say you do not yet know, is this : when the Queen of England was asked to be the friend, the protector and the defender of New Zealand, the guardian of the rights of the chiefs and people, she could do so in one way only ; there was only one way equitable and just, on her part, as the head of the greatest nation in the world, and truly honourable to the chiefs of New Zealand.

She offered to make them the brothers of Englishmen, to give them all the rights and privileges which Britons possess and enjoy ; and what did she ask in return ? Any thing for herself ? No !—Any thing for her people ? No !—What did she require ? She asked for the right of pre-emption over those lands which the New Zealanders wished to alienate ; and why ?—Because she heard that they were selling so much land to Europeans, that in a short time there would not be enough left for themselves, and then they would want food as well as clothing. This demand was for their advantage.

Had it not been for this wise and parental regulation, very many chiefs of New Zealand would now be destitute of food as well as clothing, for where would they get food if they sold all their land ?

The Queen said to the Governor, “ Buy only what they can well spare, separate good reserves for themselves, and then sell in small pieces to Europeans. Do not let the Europeans have large tracts of land ; measure what they have already bought, and do not allow them to keep more than a reasonable quantity.”

What could be more kindly regulated for the New Zealanders ?—But these regulations did not please the greedy Europeans, who wanted to get all the best lands ; so they told the chiefs that this regulation was very bad and very unjust.

The treaty of Waitangi, which contained this regulation, was agreed to by the chiefs, and then the British flag was hoisted, to show that the British nation and the New Zealand people were one body, united as brothers and friends. That flag is now the flag of all those New Zealanders who wish to be the brothers of Englishmen, to be a part of the great British nation, which is like a faggot of sticks, strongly bound together.

There are a great many countries and people, of all languages and customs, happily united together by that signal of freedom and security—the British flag. Any one of those countries taken singly would be like a single stick, easily broken and destroyed by an enemy ; but while they are bound together, united firmly for mutual advantage and security, they are like the faggot which cannot be broken. This is the reason why that flag, the signal of such great advantages, is held sacred ; and why it was an insult to cut down the staff.

You or any other chief might have any flag you pleased ; but who, except your own friends, would know it ? of what value would it be in the sight of other nations ? If every chief in New Zealand had a different flag, who could distinguish among so great a variety ? Who would value one only out of such numbers ?

Your safety, your freedom, your preservation as a nation, depend upon your union, not only together, but with a powerful European nation, not only able to protect you, but willing to acknowledge and defend your rights.

From your friend,
(signed) *Robt FitzRoy*, Governor.

Enclosure 8, in No. 9.

TRANSLATION.

O Friend, O Governor,

Encl. 8, in No. 9.

SALUTING you, I say to you, come; consent to come, inasmuch as this evil is not yet settled. O friend, O Governor, it is for you to settle it; although you may think this affair settled, we do not; it hangs in doubt; your thoughts are not settled, and our thoughts are not settled. All I ask is, what is to be done? With you are the thoughts; therefore I say to you, come, in order to put an end to this evil; if it is not ended, the thoughts will abide on this subject of the flag, because it is not concluded by you. We say it is for you to settle this matter as an elder, and also appointed to put right all errors. If the meeting had been first called, and after that the flag-staff had been erected, we would then have assembled at the Waimate? The Ngapahi chiefs all assembled, but Hone Heke, the man who was the root of all the disturbance, did not come before you; had this been the case, then peace would have been established by shaking of hands and talking mouth to mouth. Friend the Governor, if you think it good to come, come, and take down the said colour; after which, let us assemble; you will then see the good resulting from it. Friend the Governor, we have heard that you were appointed to adjust the out-breaking both of the Europeans and natives; but in this affair, (viz.) the cutting down the staff, according to our estimation, your thoughts were hasty, in that your thoughts were for the soldiers of Port Jackson, and immediately proceeded to put up the flag-staff; in our estimation this was hostile; true, indeed, we were the first in this affair.

We now, therefore, ask you to do away with this colour, because it has been the root of all this evil (and is equal to the taking our country from us). Do you fully consider the above remarks? Are they correct? or are they not correct? This is our love to you—the letting go of our peace to you. If you are good to this talk, here the matter will end; but if not, with you are your thoughts, and with me are my thoughts, that is all; my speech finishes here.

From your affectionate friend,

(signed) *Hira Pure, Mauhekairangi.*

(Correct translation.)

(signed) *G. C.*

Enclosure 9, in No. 9.

Friend Hira Pure,

Auckland, 5 October 1844.

Encl. 9, in No. 9.

I HAVE read your letter requesting me to settle the affair of the flag-staff, by going again to the Bay of Islands. Enclosed is a copy of the letter which I have written to Hone Heke Pokai on this subject, from which you will see what are my thoughts.

When I go to the Waimate, in the summer, there will be a good opportunity to talk about this affair. You have been misled by your own fears, and by designing and wicked men, who have not your good in view.

There are several objectionable things in your letter; it does not read so well as Heke's, but I will talk over the whole affair fully when I next go to the Waimate. There is much to talk about leisurely.

From your friend,

(signed) *Rob. FitzRoy, Governor.*

Enclosure 10, in No. 9.

Encl. 10, in No. 9.

COPY of a Minute from the Rev. *Walter Lawry*, with Extract of a Letter from the Rev. Mr. *Hobbs* to the Superintendent of the Wesleyan Mission, respecting effect of Measures taken in *Heke's* case, dated 24 September 1844.

"I AM glad to say, that the measures adopted by the Governor in Heke's case appear to me to be the best that could have been adopted, and that, looking at the affair in a native point of view, the Government appear to stand higher than most English people would suppose. My mind is relieved of a great burden, now that peace is likely to be continued, but I am afraid that some of the white people, who do not understand the native language, make great blunders, and draw very false conclusions. They really seem to wish that the Governor had sent his soldiers after Heke, not knowing that it would most likely cost them their lives and property, had such a thing taken place."

I congratulate his Excellency the Governor on such a testimony from our oldest missionary, and one well versed in all matters in that locality.

(signed) *Walter Lawry,*

Superintendent of the Wesleyan Mission.

Enclosure

Enclosure 11, in No. 9.

Sir,

Protector's Office, Auckland, 30 September 1844.

In accordance with the instructions I received from his Excellency the Governor, I have the honour to inform you that I proceeded to the district of Hokianga to meet the chiefs of that place, and explain to them the steps that had been taken in reference to the final adjustment of Hone Heke's affair. On my arrival at the Wesleyan station at Mangunguee, I wrote to the chiefs at Mangamuka, Utakura, and Waihou, requesting them to meet me at Mangungu on the 7th of September; in the mean time, I proceeded to Waima, and held a meeting with the chiefs of that part of Hokianga on the 6th. Encl. 11, in No. 9.

At Waima I found both Europeans and natives a good deal excited, partly through the reports in circulation, in reference to Heke's conduct, but principally from the conduct of the police magistrate, who had proceeded with armed constables to take by force a native woman, the wife of a European, from a native chief named Ngahu, who, on discovering that the police magistrate and constables were armed, immediately proceeded to fetch his arms, but fortunately, before he returned, the police boat had pulled out of musket-shot; the excited chief, finding the parties and the native woman had made their escape, immediately fired at a cow belonging to a European named Kelly; the ball passed through the upper part of the cow's neck, but did her no real injury. At this the Europeans on the Waima river affected to be alarmed, and several of them left the place for a few days.

At the meeting which was attended by the principal chiefs of Waima, and by the Reverend Messrs. Hotts and Warren, they expressed themselves satisfied with what they heard from the Governor; they had suffered themselves, they said, to be misled by designing Europeans and their own jealousies. Nothing had occurred in the river save the shooting of the cow, and even that had been unfairly stated, purposely to produce an unfavourable impression. Ngahu, the native who shot the cow, had suffered the loss of all his food, pigs and houses for his rash act (by the natives), and an offer was made to Kelly of a large pig and a promise of some potatoes at the season, as a compensation for the injury done him in shooting the cow; this was rejected by Kelly, under the impression that a very large compensation would be given him by the Governor. The chiefs all promised to use their influence in keeping the peace, and expressed a wish that the Governor should pay them a visit.

On the 7th I met the principal chiefs of Waihou, Mangamuka and Uttakura, at the principal mission station of the Wesleyans; the meeting was well attended by natives and Europeans. I addressed the chiefs, telling them it had been reported to his Excellency that there was much disquietude among them, and his Excellency had sent me to inquire into the cause of this feeling, and report to him on my return, that he might take steps to remove any grievances which might exist amongst them. I related to them what had taken place in reference to the settlement of Heke's business at the Waimate, and invited the chiefs to address the meeting. The following chiefs then arose to speak on the different subjects which vexed them: Taonui, Patuone, Hira, Juran, Raiviri, Noa and Repa. In the first place, they denied having injured the Europeans, and said, if disaffected to the Government, they had been made so by the Europeans, who were continually telling them that they were enslaved, and the Government were their oppressors; they said they were now extremely poor; a few years ago they were able to procure not only necessities, but luxuries; now they were reduced, as I might see, to an old thread-worn blanket; and they had been given to understand that this was in consequence of their having signed the Treaty of Waitangi. They were now obliged to carry their produce from one end of the river to another, in order to get a fig of tobacco, and after spending a whole day, often returned disappointed. They had been told that the reason the Europeans could not now buy their produce was, that the demands of the Government for money were so great, that they had none to buy their produce; they confessed they felt these remarks, especially as they (from a conviction that their approval of the late Governor, and signing the treaty would tend to prosperity) had taken such an active part in getting the treaty signed; and after having taken such an active part in welcoming the Governor, and then to see him removing from them to Auckland was too much for them, and not treating them well; yet, notwithstanding all these vexations, they had conducted themselves well towards the Europeans, and would continue to do so; they had taken no part in Heke's affairs, and were determined to take care of their Europeans. William Repa remarked, that the evil talk and ill-conduct (if there was any) grew out of the want of trade; he then exhibited his native garment, asking whether they had not cause to complain; but, if they could only find a market for their timber, all would be peace, concluding with assurances of good feeling and wishes towards his Excellency the Governor. The meeting then broke up.

On the 9th I visited the chiefs living at the Heads of Hokianga; I saw Papahia and other chiefs, who all expressed great satisfaction at being visited, and looked forward with pleasure to the time when his Excellency might visit them in person. They observed, that they had come to the conclusion to take care of all the Europeans living in their district, and to take no part in Heke's affairs. They expressed themselves much pleased that the troops had returned to New South Wales.

I returned from Hokianga (by the Bay of Islands) to Auckland, where I arrived on the 22d of September, leaving the natives of the Northern District perfectly tranquil.

I have, &c.

(signed) *George Clarke,*
Chief Protector of Aborigines.

The Honourable the Colonial Secretary.

—No. 10.—

(No. 41.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

No. 10.
Governor *FitzRoy*
to Lord *Stanley*,
21 October 1844.

My Lord,

Auckland, 21 October 1844.

I HAVE been detained here a fortnight longer than I anticipated, owing to the disturbance at the Bay of Islands reported to your Lordship in my confidential Despatch (C.) dated the 19th instant.

This day Her Majesty's ship "Hazard" will leave Auckland to visit all the southern settlements and some of the whaling stations. I shall go in her to Wellington.

Her Majesty's ship North Star will sail hence on the 23d, visit the Bay of Islands, and thence proceed to Port Arthur, in Van Diemen's Land.

My return to Auckland must depend much on the state of affairs in the southern settlements, and at Taranaki (New Plymouth), but I am in hopes of being here about the middle of December.

I have not yet received any despatches from your Lordship of later date than the 18th of April last, but there may be some waiting for me at Wellington or Taranaki, where I intended to be before this time.

If your Lordship would be pleased to direct that original despatches should be sent by ships sailing for New Zealand direct, and that duplicates should generally be sent by the way of Sydney, I should receive them more regularly and with less delay.

Between Sydney and Auckland there is a constant and easy communication at least once a fortnight.

Between Wellington or Taranaki and Auckland, the communication is not so frequent; and as yet it is difficult to carry packages as large as despatch boxes, over land, in less than a fortnight.

As the passage from England to Sydney is nearly the same as that from England to New Zealand, between three and four months, and as there are more vessels sailing between Sydney and Auckland than between Auckland and Wellington, the balance of certainty is in favour of sending despatches by Sydney, though that of time is rather in favour of direct communication.

My private letters and papers directed "via Sydney" reach me very regularly, and before despatches of the same date sent direct to Wellington or New Plymouth.

I have, &c.

(signed) *Robert FitzRoy*, Governor.

— No. 11. —

(No. 42.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

No. 11.
Governor *FitzRoy*
to Lord *Stanley*,
22 October 1844.

My Lord,

Government House, Auckland, 22 Oct. 1844.

I HAVE the honour of transmitting to your Lordship authenticated copies of all the Ordinances "enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council," during this year, and I beg to be permitted to make the following brief remarks on each Ordinance respectively.

No. 1.—*The Supreme Court Ordinance* is amended in accordance with your Lordship's Despatch, dated 31 January 1843, No. 6.

I referred to this Ordinance in my report, dated 18 April 1844, No. 18.

No. 2.—*The Jury Amendment Ordinance* differs from the original in two essential points:—the admission of jurors without regard to property qualification, and a preparation for the admission of aboriginal natives as jurymen.

The first point is absolutely necessary, under existing circumstances, in order to obtain a sufficient number of jurors.

The second is becoming more advisable every year. Many New Zealanders are now qualified to act as jurors.

No. 3.—*The Land Claims Amendment Ordinance* was imperatively required on account of the ruinous expense and delay in settling claims to land, which must have taken place if two Commissioners had been required to act in all cases.

In fact, two Commissioners had never investigated a case in court together, although the written evidence, after being taken before one, had been in many cases

Session 3.
Nos. 1 to 21, and two
private Ordinances.
Session 4.
Nos. 1 and 2.
For Ordinances, vide
Paper ordered by the
House of Commons
to be printed, 22 April
1845, No. 247.

cases laid before another Commissioner for his examination and signature, in order to comply with the Ordinance 4 & 5 Vict. Sess. 1, No. 2, 1841.

No. 4.—*The Debentures Ordinance* is a measure which can only be justified, in my humble opinion, by the very peculiar and critical circumstances under which it was framed and passed.

Being altogether repugnant to the 14th clause of the Royal Instructions to the Governor of this colony, I can hardly expect that Her Majesty will allow this ordinance to be confirmed; but I trust that I shall not be censured for having had recourse to such an expedient in the desperate condition of the colony.

Having reported so fully on this subject in previous despatches (No. 11, 15 April 1844; No. 40, 16 October 1844; and Confidential (B.), 16 September 1844), I will not encroach upon your Lordship's time by merely repeating what I have already stated; but I may here add, that the debentures are current at par, that they have caused no kind of inconvenience, but, on the contrary, that they have saved us from ruin and starvation.

No. 5.—*Appropriation Ordinance.*

Until this year no ordinance for the appropriation of the revenue in New Zealand had been prepared; but, in accordance with established routine, it seemed proper to follow the method of checking irregular expenditure, which is not only usual in colonies, but expressly required by the Rules and Regulations for Her Majesty's Colonial Service.

No estimate for 1844-5 having been previously submitted to the council, and the circumstances of the colony being such that estimates for 1845-6 could not well be formed, I found myself under the necessity of framing an estimate for the current financial year only, and deferring the consideration of estimates for 1845-6 until after receiving further information from your Lordship.

By referring to the minutes of the Legislative Council, transmitted herewith, it will be seen that the three non-official members of the Council protested strenuously against the Estimate for 1844-5, not only as a whole, but in almost every part.

I do not think it necessary to do more than transmit these protests, printed with the minutes of council, to your Lordship; mentioning only my belief that, however mistaken, they were made in perfect sincerity, and were not caused by party spirit or ill-will.

No. 6.—*Customs Amendment Ordinance.*

This ordinance, amending the former Customs Ordinance, was rendered necessary by the instructions of Her Majesty's Secretary of State for the Colonies (No. 48, 9 June 1842), which have been implicitly obeyed in every particular.

It also authorizes the levy of additional duties of customs, principally an ad valorem duty of five per cent. on all goods, wares, merchandize and property, except personal baggage, living animals and specie.

The rapid diminution of receipts at the custom-house made it absolutely necessary to take this step, or totally change the system under which the revenue of New Zealand had been raised.

The passing of this ordinance was protested against very strenuously by non-official members of council, and petitioned against by the inhabitants of Auckland; but I considered it to be my duty to endeavour to raise an adequate revenue; and as my proposal to levy taxes on land and houses had been still worse received, I had no alternative but to make trial of the only resource available.

No. 7.—*Imprisonment for Debt Ordinance.*

The hardship of lengthened imprisonment for debt, the expense to the public of maintaining such prisoners, the difficulty of confining them in the insecure prisons of New Zealand, and the liability of the sheriff for such prisoners, induced the Legislative Council to pass this ordinance for relieving persons imprisoned for debt, and to bring it into immediate operation.

No. 8.—*Court of Requests Ordinance.*

On the appointment of an additional judge of the Supreme Court, to reside at Wellington, it became no longer necessary to retain the cumbrous and very expensive establishment of county courts; and I could not doubt the propriety

Vide Papers relative to New Zealand, ordered by the House of Commons, to be printed, 22 April 1845, No. 247, pp. 48, 49 and 50.

of substituting simple and much less expensive tribunals, namely, courts of request. In fact, the financial state of the colony rendered it impossible to continue the county courts, and I therefore took the first opportunity of abolishing them, feeling confident of your Lordship's approval.

No. 9.—*Native Trust Ordinance.*

This ordinance, for a totally new object, has been framed with extreme solicitude, and the signification of Her Majesty's pleasure is anxiously awaited.

Until legal authority is given to those who are ready to act as trustees, no step can be taken in respect of land reserved for the future benefit of the aboriginal race, and no fund can be raised or managed by such trustees for education, or for the care of the sick.

No. 10.—*Auctioneers' Amendment Ordinance.*

In practice it was found that duties of one per cent. on all sales, payable by auctioneers, were vexatious, unproductive, and easily evaded.

It therefore became advisable to give up the duty, and augment the fee payable for a license.

No. 11.—*Conveyancing Amendment Ordinance.*

This ordinance has been amended in accordance with the instructions conveyed in a despatch from the Secretary of State for the Colonies, No. 30, dated 3d October 1843.

A report upon the working of the original ordinance, down to the end of 1843, drawn up by the Chief Justice, is herewith transmitted.

No. 12.—*The Municipal Corporation Ordinance* has been framed in accordance with the instructions conveyed in a despatch from your Lordship (No. 1, dated the 9th January 1843).

It is essential to the existence of an effective corporation that it should have funds adequate to the performance of ordinary public duties, and I do not think that any borough in New Zealand would be voluntarily formed unless assisted by moderate grants of land from the Crown, especially on the sea-shore, from the use of which a revenue might be derived, in addition to local rates.

Under the provisions of the Imperial Land Sales Act, Crown land cannot be let on lease for a longer period than 12 months, therefore no revenue can be derived by Government from any wharf, quay or other work on the sea-shore, because no such work would be undertaken upon so precarious a tenure; but if such land, whether above high-water mark or below, be granted by the Crown to a corporation, funds may then be raised for carrying on extensive works.

I am certain that unless some such aid be given to corporations in this colony, none will be formed willingly by the colonists.

No. 13.—*Distillation Repeal Ordinance.*

Most anxious consideration has been given to the subject of this ordinance; the best informed and most judicious persons in the colony have been consulted, and I have now no hesitation in expressing my earnest hope that Her Majesty may be advised to signify her confirmation.

A certain quantity of spirituous liquors will be consumed in the colony, under any circumstances, because smuggling cannot be prevented on so broken and woody a coast, abounding in harbours, and because illicit distillation can be and is now carried on almost with impunity. The nature of the country, the scattered settlements and the small police force, render it impracticable for the local authorities to prevent, although they may sometimes check such practices.

The demoralising effect of such conduct I need hardly mention; its importance in New Zealand is very great, on account of the aborigines. Instead of money being sent out of the colony to buy spirits, that money would be employed in agriculture, in encouraging industry, and diminishing, by useful employment, both the opportunities and the inclination to drink.

All those who know the aboriginal natives best, agree with me in thinking that they are not, and are not likely to become, addicted to drinking.

There are two peculiarities in their habits and character which are repugnant to the vice of drunkenness; one is, their vegetable diet occasionally varied by fish, seldom by meat, and the other, their habitual cautiousness, which makes them extremely averse to intoxication.

A drunken

19 November 1844.

A drunken New Zealander is very seldom seen, but a drunken Englishman, the laughing-stock of gazing New Zealanders, is, I am sorry to say, an exhibition by no means rare.

I think that the good done by preventing smuggling, evasions of the law, and ill-will towards the Government, and by encouraging industry, through the increase of agricultural pursuits, in growing barley, hops and wheat, will far outweigh the evil that may in some cases be the consequence of spirits being cheap.

I believe that the low price of spirituous liquors is not a cause of drunkenness; that those who are inclined or addicted to drinking do not consider the price; that in countries where wine and other alcoholic liquors abound most, there is the smallest amount of drunkenness, and that what is cheap and easily obtained is usually but little valued.

No. 14.—*Cattle Trespass Amendment Ordinance.*

By some misconception, the ordinance which this amends was erroneously altered in the former Legislative Council. This amendment restores it to what was originally intended by the framers of the measure. Much injury has been done to the cultivations of the natives by cattle straying over them, and much irritation has been caused in consequence.

Next to the encroachments of our settlers upon land not validly purchased, the damage done to crops of potatoes or corn by cattle has caused the greatest amount of ill-will between the two races.

It would indeed be hard to require every native cultivation to be "substantially fenced," in order that our cattle might be left to ramble at large over any person's land, without even a boy to watch them.

Before cattle were introduced, the natives never fenced their cultivated grounds; now they are beginning to do so, but not generally.

No. 15.—*Summary Proceedings Amendment Ordinance.*

This short ordinance is required in consequence of the substitution of Courts of Request for County Courts.

No. 16.—*The Unsworn Testimony Ordinance* was passed in accordance with your Lordship's instructions (dated 4 July 1843, No. 30), conveying an Act of the Imperial Parliament, authorizing the Legislature of certain colonies to pass laws for the admission of unsworn testimony in certain cases.

No. 17.—*Harbour Regulations Amendment Ordinance.*

Amended in conformity with your Lordship's instructions, conveyed to me in a despatch dated 1st December 1842, No. 81.

Copies of the Harbour Regulations authorized by the Ordinance, No. 15, Session II., and this Amendment, are herewith transmitted for the decision of Her Majesty.

For Harbour Regulations, vide p. 16.

No. 18.—*Native Exemption Ordinance.*

As this ordinance, like that for constituting a Native Trust, is original, and could be framed on no precedent, the decision of Her Majesty is looked for with more than ordinary anxiety. It was deemed expedient, indeed absolutely necessary, to bring it into immediate operation, on account of the critical state of the colony, referring to the relations of the settlers with the aborigines.

No. 19.—*Dog Nuisance Ordinance.*

This simple ordinance became necessary on account of the number of dogs wandering about without owners. It is working satisfactorily.

No. 20.—*Land Claimants' Estates Ordinance.*

The preamble of this ordinance explains its whole nature and object.

Future difficulties will be prevented by this timely precaution of the law officer of the Crown.

No. 21.—*Licensing Amendment Ordinance.*

Inns are much wanted in New Zealand, and to encourage their establishment this Ordinance was passed.

PRIVATE.

No. 1.—*Union Bank of Australia.*

This Ordinance was framed by the Bank of Australia in Sydney, but slightly amended in Auckland, to make it more conformable to the instructions conveyed to me in your Lordship's despatch (of the 8th February 1843, No. 8) respecting the New Zealand Banking Company.

I have not thought it necessary to send your Lordship such data as I possess here respecting the Bank of Australia, because so much more satisfactory information can be obtained in London.

No. 2.—*Naturalization Ordinance.*

This Ordinance was framed in obedience to the instructions of your Lordship, dated 20th August 1842, No. 57.

Note.—I regret to say that a great number of those German emigrants whose names appear in this ordinance have already left the colony, totally disappointed by those who induced them to emigrate.

SESSION IV.

No. 1.—*Supreme Court Rules Ordinance.*

This ordinance needs no remark; it is a necessary consequence of the Supreme Court Ordinance (No. 1, Sess. III.)

No. 2.—*The Property Rate Ordinance* may require explanation, being original and of the greatest importance to the colony; its object being, not only to levy a rate on property and income, but to repeal the Customs Ordinances, Session I., No. 3, and Session III., No. 6.

Direct taxation being deemed preferable to indirect, under the present very peculiar circumstances of New Zealand, and being desirous of repealing the Customs Ordinances, and raising a revenue by direct charges upon property and income, the least objectionable mode of doing so, consistent with efficiency, was sought, and the present Ordinance was formed in accordance.

The principle of rating every person possessing income or property, or both taken together, exceeding in amount the sum of 50 *l.* at one per cent. on such amount, has been adopted as far as 1,000 *l.*, above which sum a composition of 12 *l.* is required.

As but few incomes in this colony, even added to property, much exceed 1,200 *l.* the limited extent of the scale is not disadvantageous; as it admits of many persons placing themselves in the first rank of rate-payers, who, were the scale progressive to much higher rates, would probably take a lower place than that now occupied by them.

Pains have been taken to enable persons to rate themselves voluntarily, without exposing the state of their affairs, by so blending income and property as to prevent any one knowing (unless an authorized investigation should become necessary in consequence of suspected fraud) whether a rate paid by his neighbour is in respect of income or property, or both taken together.

The rate has been fixed very low for this year, on account of the extreme poverty of the colonists in general, and in order to bring this novel system into operation with less difficulty. Another year it may be raised, perhaps, as high as two per cent., as far as 1,500 *l.*, with a composition afterwards of 20 *l.* A larger net revenue may be raised by this method than under the Customs Ordinances, and it will increase yearly.

Some of these Ordinances are already in operation, because the delay incident to a previous communication with your Lordship would have been productive of very serious inconvenience, if not irreparable injury.

The fact of there having been no session of the Legislative Council in New Zealand between the beginning of 1842 and this year, will account for the necessity of more prompt legislation than might otherwise have been necessary.

I have, &c.
(signed) *Robt. FitzRoy*, Governor.

Enclosure

Enclosure 1, in No. 11.

TABLE of the Titles of the Ordinances of the Governor and Council of New Zealand, passed in the third and fourth Sessions of the said Council, and in the year 1844. Encl. 1, in No. 11.

(These Ordinances were printed in the Papers relative to New Zealand, ordered by the House of Commons to be printed, 22 April 1845, No. 247, pp. 104 to 138.)

SESSION III.—7 & 8 Victoria.

- No. 1. An Ordinance for establishing a Supreme Court (13 January 1844.)
- No. 2. An Ordinance to make temporary Provision for the Constitution of Juries (13 January 1844.)
- No. 3. An Ordinance to amend the Land Claims Ordinance, Session I. No. 2, (13 January 1844.)
- No. 4. An Ordinance to authorize the Governor of New Zealand to issue Debentures, and to make the same a legal Tender (18 May 1844.)
- No. 5. An Ordinance to appropriate the Revenue for the Year 1844 (6 June 1844.)
- No. 6. An Ordinance to amend an Ordinance enacted by the Governor and Council of New Zealand, Session I., No. 3, to repeal certain Acts of the Governor and Council of New South Wales, to make Provision for the Collection of certain Duties on Goods imported into, and for the general Regulation of the Revenue of Customs in, the Colony of New Zealand and its Dependencies (20 June 1844.)
- No. 7. An Ordinance for the Relief of Persons imprisoned for Debt (25 June 1844.)
- No. 8. An Ordinance to establish Courts of Requests for the more easy and speedy recovery of Small Debts (27 June 1844.)
- No. 9. An Ordinance for appointing a Board of Trustees for the management of Property to be set apart for the Education and Advancement of the Native Race (29 June 1844.)
- No. 10. An Ordinance to amend "An Ordinance for licensing Auctioneers" (29 June 1844.)
- No. 11. An Ordinance to amend "An Ordinance to facilitate the Transfer of Real Property, and to simplify the Law relating thereto" (4 July 1844.)
- No. 12. An Ordinance to provide for the Establishment and Regulation of Municipal Corporations (9 July 1844.)
- No. 13. An Ordinance to repeal "An Ordinance for prohibiting the Distillation of Spirits within the Colony of New Zealand" (11 July 1844.)
- No. 14. An Ordinance to amend "An Ordinance to provide for the Summary Recovery of Compensation for Damages done by Cattle trespassing" (11 July 1844.)
- No. 15. An Ordinance to amend "An Ordinance to provide for the Summary Proceedings before Justices of the Peace" (16 July 1844.)
- No. 16. An Ordinance for the Admission, in certain cases, of Unsworn Testimony in Civil and Criminal Proceedings (16 July 1844.)
- No. 17. An Ordinance to amend "An Ordinance to provide for the Regulation of Harbours" (16 July 1844.)
- No. 18. An Ordinance to exempt, in certain cases, Aboriginal Native Population of the Colony from the ordinary process and operation of the Law (16 July 1844.)
- No. 19. An Ordinance to provide a summary mode of abating the Nuisance of Dogs wandering at large in Towns (17 July 1844.)
- No. 20. An Ordinance to remove doubts respecting the Legal Estate in Lands granted to Land Claimants (17 July 1844.)
- No. 21. An Ordinance to amend "An Ordinance for regulating the Sale of Fermented and Spirituous Liquors" (17 July 1844.)

PRIVATE ORDINANCES.

- No. 1. An Ordinance for facilitating Proceedings by and against a certain Joint Stock Company, called "The Union Bank of Australia," and for other purposes therein mentioned (11 July 1844.)
- No. 2. An Ordinance for the Naturalization of certain German Settlers in the Colony of New Zealand (16 July 1844.)

SESSION IV.—7 & 8 Victoria.

- No. 1. An Ordinance to confirm certain Rules, Forms and Table of Fees, touching the Practice of the Supreme Court (26 September 1844.)
- No. 2. An Ordinance for imposing a Rate upon Property, and for repealing the "Customs' Ordinance," Session I., No. 3, and the "Customs' Amendment Ordinance," Session III., No. 6 (28 September 1844.)

Enclosure 2, in No. 11.

Copy of the Chief Justice's Report on the working of the Conveyancing Ordinance,
Sess. 2. No. 10.

Sir,

Taurarua, 19 November 1844.

Encl. 2, in No. 11.

IN compliance with a request conveyed to me in a letter from the office of the honourable the Colonial Secretary, bearing date 29 September 1843, I beg to offer a few observations on the working of the Conveyancing Ordinance, Session 2, No. 10.

My own sources of direct information, on this point, being very limited, and confined mainly to cases actually arising in court, I applied to three professional gentlemen in this district, and requested them to favour me with statements of the results of their own experience; the gentlemen selected were the Registrar of the Supreme Court (Mr. Outhwaite), the Sheriff of the Central District (Mr. Berreg), and the Judge of the County Court of Auckland (Mr. Whitaker); every one of these gentlemen had had considerable practice in conveyancing, and that in the only part of the colony in which the system could, or even can yet, be judged of in its completeness, and in connexion with registration of deeds relating to land.

I have before me the answers given by these gentlemen to my inquiries. I find that they agree in stating, that most or nearly all deeds of recent date have been framed according to the Ordinance; the length of a deed so framed is said to exceed, in general, ten folios; they agree in regarding the working of the Ordinance as satisfactory, in so far as the trial has yet gone, and in thinking it unadvisable that any alteration should be made in the existing system until a longer trial has been given to it.

As to the more theoretical part of the Ordinance, the amended rules of law, the provisions as to implied covenants, &c., no means have as yet been afforded of observing how far they will stand the test of legal scrutiny; they stand for the present on the authority upon which they were originally adopted, which, as to a large portion, is that of the Real Property Law Commissioners.

Of the answers received from the above-named gentlemen, two extend to the month of July, the third to the month of May in the present year.

The honourable the Colonial Secretary,
&c. &c. &c.

I have, &c.
(signed) *Wm. Martin.*

— No. 12. —

(No. 43.)

Copy of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

No. 12.

Governor *FitzRoy*
to Lord *Stanley*,
22 October 1844.

My Lord,

Auckland, 22 October 1844.

I HAVE the honour to place before your Lordship the enclosed Letters from Mr. Fox, the New Zealand Company's agent at Nelson, and from Mr. M'Donald, manager of the branch bank at that settlement.

Mr. M'Donald's letter is accompanied by two memorials, one to your Lordship, and the other to the House of Commons.

I have, &c.
(signed) *Robt. FitzRoy*, Governor.

Enclosure 1, in No. 12.

Encl. 1, in No. 12.

My Lord,

Nelson, New Zealand, 8 July 1844.

I HAVE the honour to acknowledge the receipt of a letter from the Colonial Office, Downing-street, informing me that my communications, dated the 8th and 15th of April 1843, had been received, but that, not having been transmitted through the local government, it is necessary that I should forward a copy through that channel.

I have to inform your Lordship, that at the date of the above communications I was not aware of the official rule referred to, but that on becoming subsequently acquainted with it, I addressed your Lordship again (I think in August 1843), and transmitted that communication, under cover, to the officer then administering the government, and I presume it has before this reached your Lordship.

The subject on which I addressed your Lordship (the declaration proposed to barristers on their enrolment in the Supreme Court) has since the date of my last communication been reconsidered in the colony, and I am happy to inform you that the obnoxious declaration has been abrogated, and an unobjectionable one substituted, which renders the matter of no further consequence.

I have, &c.
(signed) *William Fox.*

Enclosure

Enclosure 2, in No. 12.

My Lord,

Nelson, New Zealand, 29 June 1844.

I HAVE the honour to forward to your Lordship a memorial, signed by the principal inhabitants of this settlement, praying your Lordship's earnest attention to the proceedings of his Excellency the Governor of this colony, in relation to the Wairau massacre, and Her Majesty's censure thereof. Encl. 2, in No. 12.

I have, on behalf of the memorialists, to apologize to your Lordship for their non-observance herein of the official rule which prescribes transmission of such documents through the medium of the local government. This deviation from the accustomed regulation arises, I beg to assure your Lordship, from no other cause than our desire to put your Lordship in possession, without further loss of time, of our views and feelings upon the important subjects to which the memorial relates, and with that view not to lose the opportunity which is just now unexpectedly afforded us by the sailing hence of a vessel (the "William Stoveld" brig) direct for England.

By the next conveyance to Auckland the memorial will be forwarded in regular form to his Excellency the Governor, for transmission to your Lordship.

For your Lordship's information, and in support of the statements in the memorial, I take the liberty to forward copies of a supplement to the local newspaper, the "Nelson Examiner," of the 6th January last, which your Lordship will perceive is devoted exclusively to the subject of the conflict and massacre; and of the same newspaper of the following dates, February 10 and 24, March 2, 23 and 30, April 13, and May 4 and 11, 1844; in all of which your Lordship will perceive articles or communications possessing more or less importance, as expositions of the facts of the case, or the sentiments of the community, and which I have presumed to mark in ink for your Lordship's greater facility of observation and reference.

I have, &c.

(signed) *Constantine Augustus Dillon,*
On behalf of the Memorialists.

To the Right honourable Lord Stanley,
Her Majesty's Principal Secretary of State
for the Colonies.

To the Right honourable Lord Stanley, Secretary of State for the Colonies.

My Lord,

WE, the undersigned inhabitants of the settlement of Nelson, in the colony of New Zealand, feel ourselves compelled, though with much reluctance, to call your Lordship's earnest attention to the course pursued by his Excellency the Governor of this colony, in disposing of the lamentable massacre which occurred at Wairau in June last, under circumstances of which your Lordship is, no doubt, by this time fully informed.

It will be needless to trouble your Lordship with any detail of the Governor's proceedings at Waikanai, as your Lordship is doubtless in possession of his Excellency's official narrative thereof, as published in the colony for general information. We shall, therefore, confine ourselves simply to a statement of the grounds upon which we impugn his Excellency's decision, and now seek to bring it under your Lordship's official cognizance and censure.

We beg respectfully to submit to your Lordship that, whether the Governor's decision was right or wrong, just or unjust, considered in the abstract, his Excellency exceeded the constitutional limits of his authority by personally interfering to decide a case of grave criminal law, complicated with many delicate points of criminal jurisprudence, and relating to a sacrifice of human life so extensive and revolting. We conceive that no power, either absolute or discretionary, could have been entrusted to a colonial executive, much less to any single member thereof, how eminent soever for talents, virtue or prudence, such as should warrant, in a case of this kind, an interruption of the ordinary course of justice, an assumption by one individual of the functions of the courts of law, and the decision by him, summarily, without due deliberation, and according to his own mere pleasure or caprice, of questions vitally important to the public welfare, and which, before the legitimately constituted tribunals of justice, must have involved the severest penalties of the law, and been adjudicated upon with the utmost circumspection and solemnity.

If, however, in violation of the rights and liberties of the subject, any such authority, positive or discretionary, could possibly be vested in the Governor of a British dependency, there must still be allowed to prevail an important limitation of such authority, well understood, if not strictly defined, a remote, though practical, restriction on its exercise, in the shape of official responsibility, and the character of the circumstances under which it is incurred, whereby, when other resources fail, an oppressed community may hope, in some degree, to withstand the caprice of despotism, and the utter extinction from amongst them of the forms and spirit of freedom; to that responsibility we would, therefore, now appeal, as well as to the inalienable privileges of the subject; confident that, under all the circumstances of the case, your Lordship will concur with us that the full accountability of a public servant could, in no instance, be more righteously exacted, nor the penalties of a licentious exercise of power, leading to fatal encroachments on popular liberty, be more properly enforced. For supposing that the Governor, as such, possessed certain discretionary powers to dispense with the laws and their execution (a prerogative, however, as applied in the present case, manifestly incompatible with the enactments of the Bill of Rights and the constitutional liberties of Englishmen, as settled by long centuries of contest), and that his Excellency was, therefore, competent to interpose and personally decide, we would submit

to your Lordship, as considerations directly affecting any determination as to how far the circumstances justified such a course of conduct and its result, that his Excellency entirely prejudged the question he undertook to determine; that the conference between his Excellency and the natives at Waikanai was a mere formality, in itself unnecessary as a means of information, and, perhaps, exceptionable on grounds both of policy and justice; certainly, without the slightest pretensions to the character of an investigation; and that his Excellency's decision was given, not on the merits of the case as between the accused natives and the law which they had outraged, but independent of those merits, and, apparently, though not avowedly, as an act of expedient clemency towards the former, thereby, as we conceive, in effect, abasing the authority of British law, and the character of British justice, inviting similar acts of aggression and of crime, compromising the dearest interests of society, and calumniating the character of the dead, though they fell in the service of Government and whilst asserting its authority.

That the case was essentially prejudged by his Excellency seems manifest, because the fact upon which mainly depended the morality and justice of the proceedings against the aborigines (namely, the alleged purchase of the disputed land by the New Zealand Company,) so far as those proceedings could be viewed otherwise than as an attempt on the part of Government to execute the law and maintain the peace, was not inquired into by his Excellency, nor has ever yet been investigated by the Commissioner whose province it is to adjudicate upon the claim; because, before his Excellency visited this settlement or Waikanai, and before he could be in possession of the proper facts whereby to form a just decision, his Excellency had publicly declared his conviction that the case was from the outset one of oppression and injustice towards the aborigines, and on his arrival here had dismissed from the commission of the peace several gentlemen belonging to this settlement, who had signed a warrant for the arrest of 'Te Rauparaha and Rangihaiata, when publicly charged before them as principals in the murder of their friends and fellow magistrates; and because, when here, his Excellency adopted no means of informing himself as to the circumstances connected with the conflict, or the proceedings prior thereto, though information of much consequence could have been elicited, and was perfectly at his Excellency's command. That his Excellency's inquiries at Waikanai were a mere gratuitous state formality, and not an investigation, is evident, because the whole proceedings at the conference consisted merely in the reception of an ex-parte statement by the principal chief implicated in the murders, which, in several important particulars, contradicted the evidence previously taken on oath from various parties, both native and European, who were concerned in the conflict, and because his Excellency, notwithstanding the means existed of inquiring on the spot, and probably determining the most material of those particulars, permitted Te Rauparaha's statements to pass uninvestigated, and even it would appear uncorroborated by any native then present. For these reasons, we conceive your Lordship and all unprejudiced persons will be prepared to agree with us, to the effect as already expressed above, that his Excellency, in deciding, did not regard the real merits of the case, and that, although the rights of the subject have been invaded, the law virtually suppressed, the memory of the dead maligned, and the public interests prejudiced by needless precipitation, yet the objects which alone could have justified his Excellency in, or compensated the public for, such a course of proceeding, have, nevertheless, not been attained, inasmuch as justice has not been done, and the very clemency extended to the guilty has only operated to encourage them to contest the settlement of the Government's title to the land, and in all probability will continue to do so until another fatal collision occurs between the races; and the British arms effectually arrest further opposition.

We beg, therefore, respectfully to prefer our request to your Lordship, that the course which his Excellency has seen proper to pursue may be visited by Her Majesty's severest displeasure, and that Her Majesty may be advised to adopt such measures for the maintenance of those rights and privileges of the subject which have been unjustly trampled on, as to Her Majesty may seem proper, and as may prevent a recurrence of events such as we are now compelled respectfully to represent to your Lordship.

We have, &c.

Geo. Duppa.
Constantine A. Dillon.
James S. Tytler.
Edward W. Stafford.
David Munro, J.P.
Chas. Empsom.
A. McDonald.
John Saxton.
W. Budge.
J. H. Cooper.
Alex. Macshane.
Alfred Domett.
W. O. Cautley.
Samuel Stephens.
William Murray.
G. W. Lightband.
Edwd. Green.
E. D. Sweet.
Hugh Martin.
William Bishop.

Wm. Wright.
Robt. B. Gee.
Geo. Taylor.
William Fox.
Francis Jollie.
F. Dillon Bell.
Thomas Marsden.
Aldons Arnold.
Sam. Parkinson.
Thomas Renwick.
Frederick T. Berry.
Henry Williams.
William Stallard.
William Cullen.
Thomas Duffey.
G. M. Tytler.
John Poynter.
George F. Bush.
J. Greaves.
A. Perry.

C. C. Torlesse.
Frank Moline.
Alexr. Hart.
John Anderson.
Daniel Moore.
Joseph Hoare.
Thomas Dillon.
Alfred Saunders.
Alexr. M'Kay.
G. W. Schröder.
C. Elliott.
Charles Palmer.
Richd. Mills.
William Sharp.
Chs. Harley.
Thomas Berry.
W. W. Dale.
Peter Graham.
William Harkness.

To.

To the Honourable the House of Commons in Parliament assembled.

THE humble Petition of the undersigned Inhabitants of the Settlement of Nelson, in the Colony of New Zealand;

Sheweth,

1. That it is with reluctance and regret your petitioners are compelled to protest and petition to your honourable House against the acts of his Excellency the Governor of this colony, in reference to the massacre that was committed in this settlement on the 17th of June last, when 22 of your petitioners' fellow settlers, including in their number a commander in Her Majesty's Royal Navy, a retired captain in Her Majesty's Army, the police magistrate and judge of the county court of the district of Nelson and protector of aborigines, the Crown prosecutor, and the chief constable for the said district, were savagely murdered by certain aborigines of these islands, in resistance of the exercise of Her Majesty's lawful authority.

2. That your petitioners have read, with surprise and sorrow, the official published account of his Excellency's meeting with certain native chiefs on the 12th of February last, which terminated in the announcement of his decision "not to avenge the deaths" of your petitioners' fellow-countrymen; and do solemnly protest against this course, which they humbly conceive to be an arbitrary and unconstitutional assumption by his Excellency of the power and authority of the legally instituted tribunals of justice.

3. That your petitioners have learned from the said official account, that on Monday the 12th day of February in the present year, his Excellency landed at Waikanai, a place situated on the south-west coast of New Ulster, commonly called the North Island, accompanied by certain officers of his government and by Captain Sir Everard Home, Bart., and other officers of Her Majesty's ship "North Star," and was there received by several hundred natives, including certain men charged with committing the said massacre. That his Excellency, in a speech which he addressed to the said natives, stated, among other things, "that he had come there to hear their own account of the said massacre, and to compare the same with the published statements and evidence of the Europeans; that, when he had first heard of the death of the Englishmen who had fallen, he had been very angry, and had thought of hastening here with many ships of war, many soldiers and several fire-moved ships; that, had he done so, their warriors would have been killed, their canoes taken and burnt, and their houses and villages destroyed; but that he had considered the English, even by their own account, to have been very much to blame, and had seen how much the natives had been provoked; that he had, therefore, put away his anger and come to them peaceably to hear their story."

4. That your petitioners have further learned from the said official account, that the principal chief present, named Rauparaha (who headed the party of natives engaged in the said massacre, led them to the spot where it was committed, and himself assisted in it, and who claimed the land, a dispute in respect of which was the origin of the legal proceedings which terminated in the said massacre) addressed his Excellency with a statement of the events connected therewith; and that, at the conclusion of the said chief's recital, and after one-half hour's deliberation, without cross-examining him or examining any other person, his Excellency proceeded to inform the assembled natives that, "having heard and reflected upon the accounts of the natives as well as of the white men, he had decided that it was the misconduct of the English which had brought on the fight, and hurried the natives into the crime of murdering unarmed men, who had surrendered; and that he would, therefore, not avenge their deaths."

5. That the account of the conflict and massacre which was given by the said chief Rauparaha to his Excellency the Governor, contained statements at variance with a mass of evidence which had been lawfully taken on oath and published; and that, unsupported as it was by the evidence of any other native at the time, your petitioners humbly conceive it could not possibly enable his Excellency to arrive, in one half-hour's deliberation, at an impartial and unbiassed judgment as to the degree of guilt attaching to any parties, even had he been legally competent to pass such judgment.

6. That your petitioners desire to put altogether aside the consideration of the question, whether or not the body of Englishmen who proceeded to the Wairau under the authority of the police magistrate and other magistrates of the territory, for the apprehension of certain natives charged with breaking the laws, acted lawfully; because, up to this time, the commissioner appointed by Her Majesty to investigate the titles to land in this colony has not commenced any inquiry as to whether or not those aborigines had really sold the land in respect of which the dispute originated which ended in the massacre, and because until he shall make his decision on that point, no just conclusion can be arrived at. Your petitioners, therefore, refrain from questioning here the accuracy of the statement made by his Excellency, that the said body of Englishmen were wrong from the first, and that the said natives had committed no crime for which they could be apprehended. But while your petitioners admit, as a matter of course, his Excellency's right to the same free exercise of individual opinion which they claim for themselves, they do protest against such private opinions being publicly avowed, as having all the force of law, and superseding altogether any investigation by, and being put in place of, the decision of a court of law.

7. That, in certain instructions addressed by Her Majesty's late Secretary of State for the colonies (Lord John Russell) to the late Governor Hobson, dated the 9th of December 1840, which accompanied the transmission of the charter of the colony, and which were intended to guide the official conduct of the governor, the said Secretary of State declared,

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that

that even the customs of the aborigines, though merely absurd and impolitic and not directly injurious, would, unless express legislative provision were made to the contrary, subject the aborigines to the penalties of English law where it might be contravened by such customs; and he directed, that in the case of greater crimes committed by the natives, violating the eternal and universal laws of morality (such as your petitioners conceive murder to be), no compromise should be made, by whatever pretext of religious or superstitious opinion such crimes might have been sanctioned in the previous practice of the natives.

8. That his Excellency, Captain FitzRoy, apparently disregarding the plain tenour of the said instructions of the late Secretary of State, has publicly announced to many of your petitioners in this settlement, that though "the natives are British subjects, and entitled to all the consideration and protection of the subjects of Great Britain, they are not amenable in every respect to the laws of England;" but that neither his Excellency nor the legislature of the colony have specified any particular in which the natives are not amenable to English law; whilst, in the official account of the meeting at Waikanai before referred to, his Excellency is stated to have informed the natives that their ignorance of English law absolved them from the consequences of their acts.

9. That on the same occasion as he declared that the natives are not amenable to British law, as before mentioned, and previous to his proceeding to Waikanai aforesaid, his Excellency (in pursuance of that doctrine, as your petitioners presume) removed from the commission of the peace several magistrates resident in this settlement, principally, as he stated at the time, on account of their having signed a warrant for the apprehension of the said two principal chiefs, when charged with the commission of the said murders.

10. That your petitioners are unwillingly led to the conviction, by the aforesaid circumstances, that, previous to the said meeting between his Excellency and the natives at Waikanai as aforesaid, his Excellency's decision was made in his own mind not to institute any judicial inquiry for the purpose of lawfully ascertaining and bringing to punishment the parties guilty of the said murders.

11. That your petitioners, therefore, cannot regard his Excellency's said proceedings at Waikanai in the light of a solemn and impartial investigation by a tribunal competent to investigate, nor his decision as a just and final judgment by a tribunal competent to decide; but, on the contrary, they consider the whole as a mere conversation between Captain FitzRoy and a certain native chief, which, in its commencement and progress, had none of the forms, and in its termination none of the conclusive weight, of a judicial inquiry.

12. That on a recent occasion, to wit, in the month of August last, the deputation appointed to proceed to Auckland, on behalf of the inhabitants of this settlement, to lay before his Excellency the officer then administering the government of the colony, the evidence relating to the said massacre, and to ascertain the intentions of the Government in reference thereto, received a written assurance from his Excellency, "that the case would not be prejudged, that impartial justice should be done, and that the penalties of the law should certainly overtake those whom its verdicts should prove guilty."

13. That, in the humble opinion of your petitioners, the decision of his Excellency the Governor of this colony has prejudged the case; impartial justice has not been done; and the penalties of the law have not overtaken the guilty.

14. That your petitioners do solemnly and sincerely disclaim any malignant or unchristian feelings of revenge against any of the natives; and earnestly repel the charge of having brought on, by their own ill-treatment of the aborigines generally, the said lamentable calamity at the Wairau, or of having continued such ill-treatment to the present time.

15. That your petitioners desire to be understood as abstaining from comment on any other act of his Excellency, except the course pursued by him with relation to the said massacre. His government of the colony has been too brief to allow of a full development of his measures, and your petitioners do not wish to express any opinion upon them; they appeal to your honourable House solely on the said question of the massacre.

16. Your petitioners therefore pray, that your honourable House will be pleased to take such steps as in your wisdom may seem right, in order that Her Majesty may be moved to express her disapprobation of the conduct pursued by his Excellency the Governor of this colony, in declining to bring before the constitutional tribunals of the law the parties charged with the massacre of so many of Her Majesty's faithful subjects, and to cause such other measures to be adopted as may for the future effectually secure your petitioners, and all others Her Majesty's loyal subjects resident in the colony of New Zealand, against any similar licentious interference with the due course of justice, and thereby establish the authority of British law, as supreme and inflexible, alike over the ruler and the ruled, over the native and the European, throughout these islands.

And your petitioners will ever pray, &c.

William Fox, barrister.
Constantine A. Dillon.
George Duppa.
Alfred Domett, barrister.
James Stewart Tytler.
John Saxton.
Richard K. Newcome.
W. Budge, surveyor.
Francis Jollie.
A. McDonald, banker.

*F. Dillon Bell.
W. O. Cautley.
Charles Elliott, printer.
A. Perry, merchant.
*J.T. Bramwell, storekeeper.
John Kerr, farmer.
H. Redwood, farmer.
*H. Redwood, jun., farmer.
William Jones, cowkeeper.
*J. Plumridge, gardener.

Samuel Newport, labourer.
Alfred Saunders, miller.
*Ed. Alexander, labourer.
**J. Poynter, solicitor.
**J. Greaves, solicitor.
W. F. Hipplesey, farmer.
John H. Cooper, surgeon.
D. Monro, J. P.
James Elliott, printer.
*Duncan M'Intosh, printer.
George

George F. Bush, surgeon.
 *James Hyde, apothecary.
 E. D. Sweet, accountant.
 *Alexander Hart, clerk.
 *Alexander Kerr, clerk.
 T. Marsden, watchmaker.
 *John Horn, bricklayer.
 *George Morley, carpenter.
 *W. Seymour, carpenter.
 *William Farehall, labourer.
 Richard Mills, innkeeper.
 C. James Pelham, brewer.
 *William Sinclair, mariner.
 Poalo Portello, brewer.
 *David Calnan, carpenter.
 S. Haynes, carpenter.
 *J. Medhurst, carpenter.
 John Palmer, storekeeper.
 William Dale, storekeeper.
 *C. Chapman, gentleman.
 *R. Lockwood, labourer,
 (was a convict.)
 William Sanger, farmer.
 *Frank Moline, surveyor.
 *J. C. Boys, surveyor.
 *William M'Moris.
 George Greathead, smith.
 J. P. Robinson, turner.
 *Thomas Rowling, labourer.
 Richard Ching, cowkeeper.
 **H. Martin, gentleman,
 (not in colony when jury met.)
 Richard Wallis, yeoman.
 *Jacob Schiel, cooper.
 *Joseph Morgan, engineer.
 Benjamin Morgan, labourer.
 George Morgan, labourer.
 Edward Green, tailor.
 Thomas Fawcett, druggist.
 William Stallard, painter.
 Henry Williams, shoemaker.
 W. Johnson, innkeeper.
 *Joseph White.
 A. Malcolm, tanner.
 *James King, seaman.
 John Anderson, innkeeper.
 R. D. Macisaac, turner.
 James Anderson, grazier.
 *D. Richardson, plasterer.
 William White, carpenter.
 Samuel Alder, painter.
 Basil Connell, carpenter.
 Charles Lucas, shoemaker.
 W. Wells, farmer.
 D. Moore, storekeeper.
 John Yates, carpenter.
 J. Humphrey, wheelwright.
 William Jennings, baker.
 *William Rayner, baker.
 Samuel Stephens.
 Charles Empson, merchant.
 Robert Ross, baker.
 A. Rankin, baker.
 John Smith, carpenter.
 Henry Purnell, carpenter.
 George Hooper, brewer.
 John Nisbet, smith.
 *J. Fisher, surgeon.
 W. Fassett, brickmaker.
 *J. Trass, labourer.
 Joseph Hoare, merchant.
 Alexander M'Kay, innkeeper.
 Thomas Dillon, butcher.
 *Isaac Coates.

Frederick T. Berry, carpenter.
 John Nelson, sawyer.
 *Robert Roots, labourer.
 C. Young, storekeeper.
 John M'Artney, tinsmith.
 *J. M'Artney, jun., tinsmith.
 *R. Williams, woodcutter.
 *W. Kelly, labourer.
 T. K. Warburton, innkeeper.
 James Wilson, schoolmaster.
 J. Collins, brickmaker.
 T. J. Ferrers, schoolmaster.
 Joshua Sigley, carter.
 Henry Hargreaves, carpenter.
 F. Reitz, carpenter.
 Thomas Nock, bricklayer.
 *William Flower, sawyer.
 Reuben Bird, joiner.
 Joseph Bungate, labourer.
 *Jackson Bowes, carpenter.
 Charles H. Cox, carpenter.
 Frederick Witherby, clerk.
 Edward W. Stafford.
 *A. Macshane, surgeon.
 *Thomas M'Hugh, clerk.
 George Edwards, boatbuilder.
 William Wright, innkeeper.
 John Johnson.
 *Robert Phelps, mariner.
 *G. Ogilvie.
 William M'Ghie.
 *William Harvey.
 *John Goodman.
 *Thomas Magarey, miller.
 James Magarey, miller.
 *William M'Kenzie.
 *Colin Campbell, mariner.
 *R. V. Phelps, gentleman.
 *Robert Barret, labourer.
 Henry Flower, carpenter.
 Charles Astler.
 *William Nesbit.
 *Thomas White, millwright.
 *J. R. Gordon.
 Adam Jackson, labourer.
 *John Reese, clerk.
 T. Mayo, ironmonger.
 Abraham Voller, boatman.
 *James M'Kenzie, boatman.
 *Thomas Watson, boatman.
 *Samuel Woolf, farmer.
 James Hagan, shoemaker.
 *Robert Lucas, boatman.
 *Thomas Taylor, seaman.
 Thomas Berry, storekeeper.
 William Gardner, ropemaker.
 Edward Laney, baker.
 John Burns, joiner.
 John Ferme, farmer.
 John Wilson, bricklayer.
 James Spain, labourer.
 *W. Hay.
 *W. Carder.
 *Thomas Martin.
 W. Harkness, merchant.
 Alexander M'Kune, smith.
 Samuel Parkinson, surveyor.
 *William Ford, seaman.
 *Alfred Fuyettchild.
 Thomas Farrell.
 *William Taylor, boatman.
 *John Miller, boatman.
 A. R. Wetherell, gentleman.
 *E. Wetherell, gentleman.

Alexander Rankin, baker.
 *Henry Wilson.
 *Carl Hellmann.
 *Peter Leonard.
 John Brown, mariner.
 *William Gregson.
 *William J. Herrick, sawyer.
 *Maurice W. O'Burke, gent.
 John Kidson, labourer.
 John M'Donald, labourer.
 *Henry Brown, carter.
 Joseph Newport, labourer.
 *Aldons Arnold, surveyor.
 *Edmond Stedman, farmer.
 Andrew Paterson, joiner.
 G. M'Donald, shoemaker.
 *Henry Turner, sawyer.
 John Arnold, cabinet-maker.
 T. Blanchett, shoemaker.
 *John Gibson, malster.
 *T. Musgrave, surveyor.
 *Jacob Batey, carpenter.
 *Thomas Sullivan, builder.
 Thomas Duffey, surveyor.
 P. Graham, merchant.
 Anthony Rowe, farmer.
 George Holland, yeoman.
 G. W. Schröder, merchant.
 David Smith, farmer.
 John Armstrong, carter.
 Michael Tully, gardener.
 Edmund Perrin, brickmaker.
 William Bate Salt, carter.
 William Murray, innkeeper.
 *T. Tidd, India - rubber-
 maker.
 James Perrin, brickmaker.
 *W. M'Gowan, labourer.
 *John Wolken, slater.
 *Robert Carter, innkeeper.
 *Edward Grooby, labourer.
 Charles Timms, brickmaker.
 *John Oldaway, labourer.
 *David Norgate, labourer.
 *H. B. Ellerm.
 W. Sharp, farmer.
 Henry Cooke, farmer.
 *Samuel Wells, labourer.
 *Francis Grooby, labourer.
 *George Blick, labourer.
 *John Sheat, sawyer.
 *Thomas Hopton, sawyer.
 Jonathan Robinson, saddler.
 William Bishop, druggist.
 *David Goodall, carpenter.
 John Watts, engineer.
 John Clark, gardener.
 *T. Goodman, labourer.
 William Parsons, labourer.
 G. Lightband, leather-dresser.
 William Bagnall, carpenter.
 *Joseph Taylor, groom.
 J. Hammond, brickmaker.
 *C. Harrold.
 John Brown, sawyer.
 W. Brown, labourer.
 *G. Goldsack, blacksmith.
 Alfred Hill, printer.
 *Adin Cockroft, butcher.
 *James Rowbotham, farmer.
 George Tarr, butcher.
 *R. Power, stone-mason.
 *H. Birchmore, bricklayer.
 *S. Goddard, boatman.
 *Hiram

- *Hiram Dar e, shoemaker.
- John Ponsonby, plasterer.
- *James Ponsonby, labourer.
- *Walter Barber, sawyer.
- *Robert Jeffery Durant.
- Ishmael Clarke, well-sinker.
- *T. Scott.
- *Francis M'Donald.
- Edward Jones, tailor.
- U. Batchelar, hair-dresser.
- Charles White.
- James Knapp.
- *George Lyne, painter.
- Henry P. Spershot, butcher.
- *W. Harvey, sawyer.
- J. Middleton, blacksmith.
- *Robert Sharp, labourer.
- W. Moore, teacher.
- *John Crocker, labourer.
- *James Harper, shoemaker.
- *Z. Harper, shoemaker.
- John Currin, labourer.
- Robert Palmer, bricklayer.
- *William Fisher, labourer.
- William Biggs, carter.
- Isaac Wilson, smith.
- *T. Renwick, M. D.
- *William Small, carpenter.
- *W. Williams, labourer.
- *W. Thompson, sailor.
- *Robert Hunter, sawyer.
- Thomas Smith, malster.
- Joseph Brogden, brewer.
- Henry James, cooper.
- Richard Lloyd, bootmaker.
- *R. Sutcliffe, shoemaker.
- George Binns, clerk.
- James Murphy, boatman.
- John P. Healy, shopman.
- *Thomas Bright, carpenter.
- *H. C. Daniell, accountant.
- John George Fyfe, clerk.
- Robert Gordon, mariner.
- *William Gulley, mariner.
- *William Cockburn.
- *William Akroyd, boatman.
- *James T. Smith, clerk.
- *A. S. Rutter, stockman.
- Robert B. Gee, merchant.
- George Kinsett, labourer.
- John Nixon, labourer.
- *James Smith, baker.
- *Wm. Barnett, shoemaker.
- William Jones, carpenter.
- *Robert Newth, brickmaker.
- Isaac Parfit, brickmaker.
- *R. Pennells, brickmaker.
- *J. Newport, brickmaker.
- Alex. M'Gee, shoemaker.
- *C. M'Gee, shoemaker.
- *Henry M'Gee, shoemaker.
- T. Gaukroger, carpenter.
- John M'Donald, dairyman.
- William Kew, sawyer.
- *William Cate, labourer.
- *W. M'Donald, labourer.
- James Winter, labourer.
- *T. Bartlett, labourer.
- *Daniel Eyeles, labourer.
- *W. Cate, junior, labourer.
- *John William Sigley.
- *John Sigley, carter.
- *Joseph Rothwell, farmer.
- *Joseph Rimmer, farmer.
- *George Sutton, farmer.
- *Isaac Gibbs, farmer.
- *William Carter, painter.
- John Taylor, gardener.
- Benjamin Crisp, carter.
- *William Telford, sawyer.
- John Ladd, plasterer.
- *Henry Lloyd, clerk.
- *F. A. Lloyd, clerk.
- *Richard Croak, labourer.
- *J. H. F. Spanhake.
- *Thomas Eden, shoemaker.
- John Lister, labourer.
- *A. Roper, whitesmith.
- *S. Stafford Styles, carter.
- Robert Boddington, labourer.
- *G. Harwood, shoemaker.
- Thomas Webster, carpenter.
- John Edwards, carpenter.
- Henry Fevan, labourer.
- *Robert Franklin, baker.
- William Leighton, builder.
- David Hammand, weaver.
- James Robinson, carpenter.
- *William Chant, labourer.
- *Enoch Nicholl, stonemason.
- *John Butterfield, labourer.
- *Thomas Bryant, labourer.
- James Kallor, carpenter.
- Samuel Higgs, carpenter.
- *Enoch Blick, weaver.
- *Thomas Nicholls.
- *Arthur Martin, surgeon.
- *J. Newport, jun., labourer.
- David Livingston, joiner.
- *W. Rennels, labourer.
- James Gibbs, labourer.
- *Henry Randall, labourer.
- *John Paton, gardener.
- A. Sparks, tin-plate worker.
- *John Egerton, gardener.
- Charles Mathews, labourer.
- *W. Maher, labourer.
- *Thomas Wales.
- *John Maher, labourer.
- *John Noden, labourer.
- *George Bampton.
- *Daniel Mathews, labourer.
- William Neale, labourer.
- John Gay, labourer.
- Henry Wray, stockman.
- James Hagin, labourer.
- *James Hollis, sawyer.
- *Whitbread Field, sawyer.
- *T. C. Carsten, carpenter.
- Charles A. Owen, gentleman.
- Charles Harley, innkeeper.
- John Brewerton, shoemaker.
- James Craig, farmer.
- William Field, sawyer.
- Peter Higgins, labourer.
- *Alfred G. Betts, seaman.
- George Moulder, sawyer.
- *Thomas Spellor, mariner.
- William Brown, mariner.
- *Laury Jasper, mariner.
- *Charles Stark, sawyer.
- William Cullen, yeoman.
- E. Coleman, cabinet-maker.
- *Charles Clarke, surveyor.
- J. Tutty, baker.
- *R. Warner, blacksmith.
- *William Gill, gardener.
- *Thomas George, labourer.
- *Henry Coombs, sawyer.
- H. T. Hickton, baker.
- A. L. G. Campbell, gentleman.
- Richard Tutbury, labourer.
- John Winderbanks, labourer.
- James Graham, bookbinder.
- John Macintosh, cordwainer.
- James Cook, labourer.
- William Freeth, labourer.
- *John Gordon, boatman.
- Alex. Painter, blacksmith.
- *William Mickle, turner.
- *R. MacNabb, labourer.
- *E. MacNabb, labourer.
- *Thomas Towers, labourer.
- James Rose, labourer.
- *Samuel Mercer, labourer.
- William Askew, wheelwright.
- W. Douglas, blacksmith.
- *Thomas Poole, painter.
- *Thomas Locke, sawyer.
- David Lindsay, gardener.
- John Fowler, farmer.
- *Edwin Fowler, butcher.
- Henry Fowler, labourer.
- John F. Ballard, storekeeper.
- Bernard M'Mahon, labourer.
- Joseph Duncan, stonemason.
- David Drummond, labourer.
- *Thomas Epps, gardener.
- *William Dent, farmer.
- *William Rice, carpenter.
- *William Pratt, labourer.
- *W. Shepherd, carpenter.
- *George Smith, miller.
- John G. Saunders, labourer.
- G. Thompson, blacksmith.
- A. M'Lean, blacksmith.
- Robert Taylor, millwright.
- *Peter Hansen, carpenter.
- G. Rutherford, carpenter.
- *W. Williams, sawyer.
- John Brougham, labourer.
- *Job Flowers, labourer.
- Richard Maund, labourer.
- *James Bradley, labourer.
- *C. Murphy, labourer.
- Charles Walker, labourer.
- *T. Atkins, labourer.
- *John Gillot, labourer.
- John Cawte, wheelwright.
- Richard Tannant, labourer.
- *Thomas Wilkins, labourer.
- *John Waterhouse.
- Thomas Waterhouse.
- John M'Donald.
- Thomas N. Trower, farmer.
- *Joseph Newport, labourer.
- *T. Sidebotham, cooper.
- Robert Murray, labourer.
- *Garner Hunter, labourer.
- *W. Hughes, labourer.
- Benjamin Powell, labourer.
- *Thomas Blick, labourer.
- William Brown, labourer.
- Thomas Hannam, labourer.
- Thomas Wells, labourer.
- *F. Grooby, jun., labourer.
- *George Grooby, labourer.
- W. Walsh, bootmaker.
- Thomas Hill, butcher.
- *Daniel Sullivan, bricklayer.
- James Stirling, farmer.
- George M'Rae, farmer.

*Horton

- | | | |
|-----------------------------|-----------------------------|------------------------------|
| *Horton Upjohn, gentleman. | *Elisha Round, blacksmith. | *Jacob Gifford, labourer. |
| *T. Feary, farm-servant. | *William Hodgson, farmer. | Charles Best, labourer. |
| *Thomas Price, farmer. | W. Dickinson, gent. | *Samuel Stone, labourer. |
| *Edward Baigent, sawyer. | *W. Bushnell, carpenter. | Thomas Rea, labourer. |
| *John Prior, carpenter. | *W. Satherley, labourer. | Emanuel Dew, labourer. |
| *Robert Crawford, farmer. | *John Staples, labourer. | *Charles Ford, labourer. |
| William Jessop, bricklayer. | David White, labourer. | George Smith labourer. |
| *James Barton, gardener. | *Henry Lunn, labourer. | Joseph Taylor, labourer. |
| *John Batt, farmer. | *William Heaphy, labourer. | James Haycock, labourer. |
| *E. Penney, whitesmith. | Robert Alling, shipwright. | *Thomas Haycock, labourer. |
| Samuel Badman, labourer. | *William Sinclair. | *Sydney Higgins, labourer. |
| *T. Tunnicliff, labourer. | *William Marsh, labourer. | Thomas Jackson, labourer. |
| *C. Gaukrodger, labourer. | *T. Hovenden, labourer. | *Thomas Butler, labourer. |
| *James Harford, labourer. | *J. R. Carter, gardener. | *W. Andrews, bricklayer. |
| *Thomas Lines, labourer. | *James Everis. | *C. Andrews, bricklayer. |
| *Benjamin Lines, labourer. | *Charles Coster, labourer. | Thomas Andrews, bricklayer. |
| John Mears, labourer. | *William Black, carpenter. | *W. Atkinson, labourer. |
| James Wadsworth, labourer. | John Avery, farmer. | William Robinson, labourer. |
| John Young, blacksmith. | William Hammond, labourer. | *David M'Kinzey, labourer. |
| *William Mears, farmer. | *W. Hammond, junior, | *James Wratten, labourer. |
| Joshua Hoult, bricklayer. | labourer. | William Winter, labourer. |
| J. Poppleton Horn, joiner. | Charles Vincent, shoemaker. | *Francis Blincoe, labourer. |
| John Griffith, sweep. | John Harkness, farmer. | George Oxley, labourer. |
| Samuel Crawford, labourer. | *Thomas Gifford, labourer. | *Emery Hounsell, labourer. |
| *David Nox, labourer. | Isaac Gifford, labourer. | Samuel Jeffries, labourer. |
| *William Palmer, labourer. | James Gifford, labourer. | John Parsons, labourer. |
| David Clark, sawyer. | George Gifford, labourer. | *E. Cresswell, labourer. |
| *John Floss, labourer. | *James Geddel, labourer. | James Spanton, labourer. |
| J. Wilkinson, storekeeper. | *J. Chamberlayn, labourer. | W. Wilkie, labourer. |
| *William M'Rae, shepherd. | James Clark, labourer. | *T. Appgood, labourer. |
| *John Kate, servant. | *Mich. Shannon, labourer. | *W. Jeffries, labourer. |
| W. Hildreth, farmer. | Mark Newth, labourer. | *T. Coleman, labourer. |
| Edward Noon, labourer. | Thomas Maddock, labourer. | *James Coleman, labourer. |
| *Andrew Croudace, labourer. | John Mortimer, labourer. | Thomas Coleman, labourer. |
| *John Scott Macdonald. | *Joseph Herbert, labourer. | Thomas Wagstaff, labourer. |
| *John Carter, labourer. | Stephen Sharp, labourer. | *William Ricketts, labourer. |
| *John Thorn, labourer. | Samuel Tilly, labourer. | *Francis Rush. |
| Benjamin Parkes, sawyer. | Thomas Gardner, labourer. | James Baggarley, painter. |
| *George Taylor, clerk. | *John Livingston, labourer. | Edward Allen. |
| *John Wade, merchant. | *C. Henry Ford, labourer. | Henry Garnett. |
| *C. O. Torlesse, surveyor. | *Michael Reardon, labourer. | *Thomas Newman. |
| *William Brown. | *James Bunget, labourer. | W. Wigzell. |

290 names are not found in Jury List, marked*.

Hugh Young never signed.

35 are names of children or boys under age.

1 idiot.

5 non-residents.

5 Germans ; and yet it is alleged they neither signed, nor were asked to do so.

NAMES OF BOYS.

Kirr, Alexander,	under age.	Coleman, James,	under age.
Morgan, Benjamin,	ditto.	Rayner, William,	ditto.
Young, Hugh, never signed.		M'Intosh, D.,	ditto.
M'Artney, John,	under age.	M'Gee, Charles,	ditto.
Witherby, Frederick,	ditto.	M'Gee, Henry,	ditto.
Ellerm, H. B.,	ditto.	Black, William,	ditto.
Ponsonby, James,	ditto.	Boys, J. C.,	ditto.
Harper, Zebediah,	ditto.	Rankin, Alexander,	ditto.
Newport, James,	ditto.	Nepport, J., jun.,	ditto.
Sigley, John William,	ditto.	Mears, William,	ditto.
Sigley, John,	ditto.	Gifford, George,	ditto.
Blick, Enoch,	ditto.	Moline, Frank,	ditto.
Blick, George,	ditto.	Cate, William J., idiot.	
M'Nabb, Edward,	ditto.	Wade, John,	non-resident.
Grooby, George,	ditto.	Hay, W.,	ditto.
Nox, David,	ditto.	Ogilvie, G.,	ditto.
Scott, John M'Donald,	ditto.	Carder, W.,	ditto.
Andrews, Thomas,	ditto.	Martin, Thomas,	ditto.
Torless, C. O.,	ditto.	Schiell, Jacob	} Germans.
Hammond, William,	ditto.	Young, C.,	
Magarey, Thomas,	ditto.	Spanhake, J. H. F.,	
M'Kenzie, D.	ditto.	Kursten, Z. C.,	
M'Rea, William,	ditto.	Hellmann, Carl,	

— No. 13. —

No. 13.
Governor FitzRoy
to Lord Stanley,
10 December 1844.

No. 1.
Mr. Symonds,
2 September 1844.

No. 2.
Correspondence from
2 February to end of
July.

(No. 44.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

My Lord,

Auckland, 10 December 1844.

I HAVE the honour of transmitting to your Lordship copies of correspondence relative to the purchase of a tract of land at Otago, in New Munster (Middle Island) accompanied by tracings of the plans made by the New Zealand Company's surveyors.

Mr. J. Jermyn Symonds has acquitted himself of his difficult task more speedily and successfully than I could have anticipated, satisfied, as I felt of his ability and judgment.

The principal known qualifications of Otago as a site for a settlement, are, a moderate harbour (not accessible in strong northerly winds), an extensive tract of country well adapted for pasturage, but without timber; a fine climate, neither too wet nor too windy; and an abundant supply of good bituminous coal.

There are so few natives in New Munster, not more than 1,500 altogether, that colonization might there be carried on unimpeded, if the Government were to buy from the few native claimants (securing them ample reserves), and then dispose of the land.

I have, &c.

(signed) *Robt. FitzRoy*, Governor.

Enclosure 1, in No. 13.

Sir,

Wellington, 2 September 1844.

Encl. 1, in No. 14.

I do myself the honour to transmit, for the information of his Excellency the Governor, the accompanying report of my proceedings in connexion with the purchase of a site for the proposed settlement of New Edinburgh at Otakou, in the Middle Island.

I have, &c.

His Honour, the Superintendent,
Wellington.(signed) *John Jermyn Symonds, P.M.*

Sir,

Wellington, 2 September 1844.

IN accordance with the instructions of his Excellency the Governor, I proceeded to New Munster (or the Middle Island), where, having ascertained the names of all the chiefs who laid claim to the district in the vicinity of Otakou, I requested them to assemble at that place, in order to afford me an opportunity of judging of the merit of their respective claims, and of carrying on my negotiations in the district proposed to be acquired.

I found that the tract of country between Otakou and Taieri was claimed jointly by the native chiefs, Tuhawaiki, Taiaroa and Karetai, on behalf of their several families and dependants; and that the Mataau district, from Taieri to Tokata, belonged to Tuhawaiki and his immediate connexions, as marked in the sketch of the boundaries, which I have the honour to transmit.

In order to remove all grounds of dissension hereafter between the European settlers and the aborigines on the subject of the purchase, I deemed it expedient that the boundaries should be clearly defined and formally pointed out, knowing from previous observation how much importance the natives attach to this form in all transactions of the kind amongst themselves, and having mentioned my views to the principal claimants, they readily admitted the expediency of adopting such a course, and accordingly deputed four of the younger chiefs to accompany the principal agent of the New Zealand Company and myself, to carry my suggestions in effect.

In order to facilitate the purchase, and to include 150,000 acres of the most available land, also to obtain natural boundaries, I sanctioned the extension of the limits, on the express condition that the agent of the New Zealand Company should confine himself to the selection of such land, as the Crown's right of pre-emption had been waived in favour of the said Company, receiving at the same time an acknowledgement to that effect from Colonel Wakefield, which is annexed to the deed.

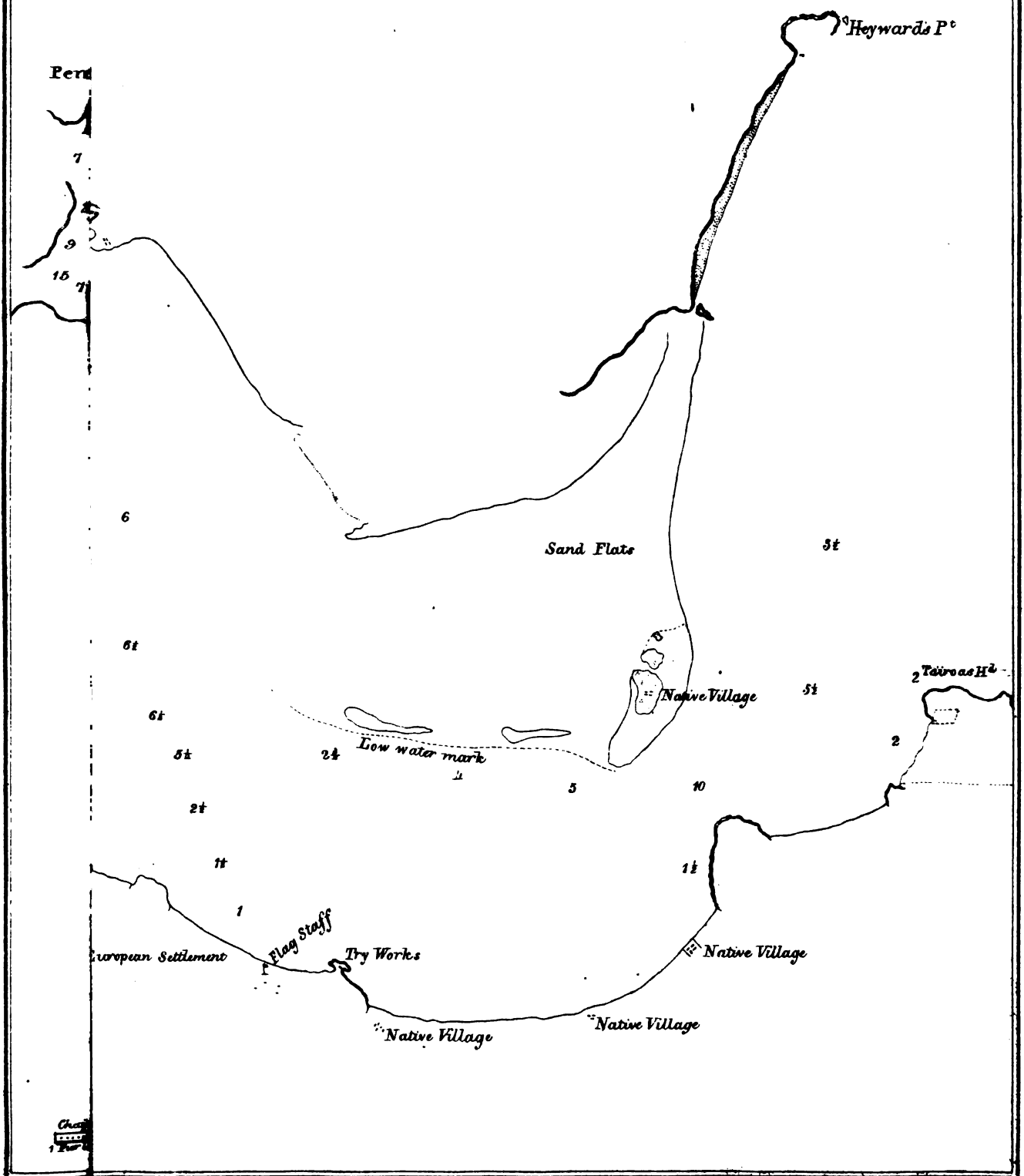
The natives having expressed their anxiety to make some special provision for the future benefit of themselves and children, by reserving certain portions of land within the limits of the purchase, which they now partially occupy, the management of which, to a certain extent, they were desirous of retaining in their own hands. I approved of their selections, four in number, three of which, viz., Omate, Pukekura and Taie, I personally inspected, accompanied by Colonel Wakefield, Mr. Clarke and the most influential chiefs, and saw the boundaries pointed out and marked off; with regard to the fourth, at Karoro, I suggested to

Tuhimaiki,

A Survey of Part
of the
HARBOUR OF OTAGO

by

I.W. Barnicoat & W. Davison.

*Surveyors to the Expedition for selecting the Site of**The New Edinburgh Settlement.*

Tuhamaiki, that he should retain a portion of land on that river, where some of his family resided, the precise limits of which should be hereafter defined by an agent appointed by his Excellency the Governor for that purpose, as I found it impracticable to visit that part of the purchase without materially delaying the proceedings and exhausting the patience of the natives.

I pursued this course as regards native reserves, from the conviction that the system heretofore adopted in other purchases of large tracts, was beyond the comprehension of the aborigines, and at the suggestion of Colonel Wakefield I left the further choice of reserves, namely, the tenth part of all land sold by the New Zealand Company, to be decided by his Excellency the Governor, without making any express stipulation with the natives on the subject.

I have the honour to enclose the duplicate of the document by which the natives have conveyed all their title and interest in the districts of Otakou, Taieri, and Mataau to the New Zealand Company, accompanied by a certified translation.

I also beg leave to observe, that before this deed was formally read over and signed by the natives, I requested Mr. Clarke to explain to them the nature of the conveyance, to the effect that in disposing of their land they for ever surrendered their interest and title to such land; that their consent to sell it was binding on their children, as well as themselves, that they should remove from any portion then occupied by them, and confine themselves exclusively to their reserves, and never expect to receive further compensation, that they should not alienate or let any portion of their reserves without having previously obtained the sanction of his Excellency the Governor; to all which stipulations they unanimously consented.

The boundaries were at the same time frequently explained to them by Mr. Clarke in my presence, and repeated by them to each other, and they stated that they fully understood all the terms and conditions of the purchase, as specified in the deed.

After the document had been formally read over in native and in English, and signed by the most influential chiefs and proprietors, the purchase-money, to the amount of 2,400*l*. was amicably divided among the different families, and they all expressed themselves fully satisfied with the whole transaction.

As the site of the township had not been decided upon previous to my leaving Otakou, I was unable to comply with your instructions regarding the reserves for the purposes of Government, but confined myself to the selections of such points as I deemed proper for the purposes of fortification, signal-stations, &c., which are marked red in the accompanying sketch (No. 2.) I proposed reserving both the islands in the harbour, but as Colonel Wakefield appeared disinclined to cede the larger of the two, I considered it more prudent to refer the matter for your consideration, and would strongly recommend that it be reserved, as from its commanding position, and proximity to the intended depôt, it will become most eligible for the purposes of Government.

I beg to enclose, for the consideration of his Excellency the Governor, the accompanying documents transmitted to me by certain settlers named in the margin, the justness of whose claims the natives allowed before myself and Mr. Clarke. The first, named George Willsher, is settled at Karoro, and is anxious to obtain a title to the land (20 acres), which he has brought into cultivation; the four next claim small portions situated in the native reserve at Otakou (none of which exceed two acres); the last named claims a portion of land at Waikawaiti (about two acres), and bears an excellent character.

In conclusion, I feel it incumbent upon me to call the attention of his Excellency the Governor to the present position and state of the aboriginal population at the different settlements I have visited in prosecution of the duties entrusted to me. From their intercourse with Europeans (chiefly whalers), they have habituated themselves to their customs, and I regret to say, that intemperance is the most predominant vice to which they are addicted, added to which, from the introduction of measles and other foreign diseases, owing to the absence of the simplest remedies, they are rapidly disappearing, and I fear that unless some vigorous measures are taken to allay the progress of the virulent epidemics so prevalent amongst them, the whole aboriginal race, from Port Cooper to Ruapuke, will shortly become extinct.

I am the more confirmed in this opinion, not only from personal observation, but by the melancholy forebodings of the chiefs themselves.

I have, &c.

His Honour the Superintendent,
Wellington.

(signed) John Jermyn Symonds, P. M.

Deed of Sale,
31 July 1844.

George Willsher,
Octavius Harwood,
James Fowler,
James Brown,
John Murray,
Stephen Smith.

DEED OF SALE, accompanying Mr. Symonds' Report on Purchase of Otago.

Know all men by this document, we the chiefs and men of the Ngaitahu tribe in New Zealand, whose names are undersigned, consent, on this 31st day of July, in the year of our Lord 1844, to give up, sell and abandon altogether to William Wakefield, the principal agent of the New Zealand Company of London, on behalf of the Directors of the said Company, all our claims and title to the lands comprised within the under-mentioned boundaries. The names of the said lands, are Otakou, Kaikarae, Taieri, Mataau, and Te Karoro. These are the boundaries: The northern boundary line commences at Purehurehu, runs along the sea-shore, crossing the entrance of Otakou (harbour) to Otupa, thence along the coast to Poatiri;

Poatiri; the eastern boundary is the ocean from Poatiri to Tokata; thence the southern boundary runs along the summit of Taukoku to Pohueroa, it then runs along the summit of the Kaihiku range and crosses the Mataau river, thence along the summit of the Maungaataua range to Wakaari, along the summit of Wakaari to Mihiwaka and Otuwareroa, thence it descends to Purehurehu, on the sea-coast.

We also give up all the island Kamautaurua, Rakiriri, Okaihe, Moturata, Paparoa, Matoketoke, Hakinikini and Aonui; excepting the following places, which we have reserved for ourselves and our children; that is to say, a certain portion of land on the eastern side of Otakou, called Omate; the boundary line commences at Moepuku, crosses over to Poatiri, thence along the coast to Waiwakaheke, then crosses to Pukekura, and runs along the side of the harbour to Moepuku. Also a certain portion of land at Pukekura, the boundaries of which are marked by posts, containing one acre, more or less; also a portion of land at Taieri, the boundary line of which commences at Onumia, and runs across in a straight line to Maitapapa; the Taieri river forms the other boundary. Also a portion of land at Te Karoro, bounded on the south by the Karoro river, on the east by the ocean; the northern boundary includes the village of that place, and extends inland about one mile; which said reserved places we agree neither to sell nor let to any party whatever, without the sanction of his Excellency the Governor of New Zealand.

We have received as payment for the above first-mentioned lands, the sum of 2,400 l. in money, on this day, in the presence of these witnesses,

(signed) *John Jermyn Symonds, P. M.*
Frederick Tuckett.
George Clarke, jun., Protector Aborigines.
David Scott.

(signed)	John Tuhawaiki.	Kihau.	Papakawa.
	Taiaroa.	Horomona Pohio.	Te Haki.
	Karetai.	Pohau.	Kakiwakana.
	Korako.	Kahuti.	Te Haki (2.)
	Kaikoarere.	Kurakuru.	Potiki.
	Takamaitu.	Mokomoko.	Pohata.
	Te Kaki.	Te Ao.	Taiaroa, for Pokihi.
	John Tuhawaiki,	Koraka Karetai.	Pokene.
	for Topi.	Tutewaiao.	

(A true Translation.)

(signed) George Clarke, jun., Protector of Aborigines.

I, William Wakefield, the principal agent of the New Zealand Company, do undertake to select 150,000 acres, to which the Crown's right of pre-emption has been waived in favour of the said Company, from the block of land specified in the deed to which this is annexed, as soon as such land shall have been surveyed; leaving the unappropriated residue to be dealt with in such manner as his Excellency the Governor shall deem fit.

Otago, 29 July 1844.

Enclosure 2, in No. 13.

CORRESPONDENCE on the Purchase of Land at Otago, between February and July 1844.

Sir,

Wellington, 2 February 1844.

Encl. 2, in No. 13.

I HAVE the honour of acknowledging the receipt of your letter, marked private, dated the 30th ultimo, relative to the proposed selection of land at and in the neighbourhood of Port Cooper.

In reply, I am happy to inform you that I have no objection to offer to the formation of a settlement in that locality, provided that a valid purchase can be effected.

Directly that payment of the compensation to the Port Nicholson natives (now under consideration) is made, I will order a Protector of Aborigines and another officer of Government to proceed to Port Cooper, and there assist in effecting a purchase of land for the contemplated settlement of New Edinburgh.

I have, &c.

(signed) *Robert FitzRoy,*
 Governor.

William Wakefield, Esq.,
 Principal Agent to the New Zealand Company,
 Wellington.

Sir,-

Sir,

Wellington, 27 February 1844.

I HAVE the honour of forwarding to you, by desire of the Governor, a copy of the instructions, which his Excellency has given to Mr. Commissioner Spain.

By these instructions you will see that a purchase or purchases to the extent of not more than 150,000 acres of land in or near the Wairarapa, or Wyderop Valley, and of not more than 250,000 acres elsewhere, are authorized by his Excellency, under that officer's superintendence, under certain conditions.

And by the enclosed copy of instructions to Mr. John Jermyn Symonds, police magistrate, you will perceive that Mr. Symonds is authorized to proceed to New Munster, and there superintend and assist in effecting the valid purchase of not more than 150,000 acres of available land, without regard to figure or continuity of blocks, to which extent the Crown's right of pre-emption will be waived on certain conditions.

The conditions referred to, are—1st. That all existing arrangements made by the Government with respect to the New Zealand Company's settlements shall be strictly observed, except as altered by the present arrangement.

2d. That the land so purchased shall be counted in exchange for an equal number of acres claimed by, and to which a valid title can be proved by the New Zealand Company elsewhere; it being clearly understood, that the purchase-money in both cases referred to is to be provided by the Company.

3d. That the exterior boundaries as well as interior divisions of the land so purchased shall be surveyed by, at the expense, and by the surveyors of the New Zealand Company.

By these arrangements being carried into effect, I trust that the Government will enable the New Zealand Company to ensure undisturbed possession of a sufficient extent of available land to a numerous and important body of British subjects who have already settled in New Zealand, in consequence of purchases made by the Company, as well as to others of our countrymen who may hereafter emigrate under the New Zealand Company's auspices.

I have, &c.

(signed) *J. W. Hamilton.*
Principal Secretary.

William Wakefield, Esq.,
Principal Agent to the New Zealand Company.

By his Excellency *Robert FitzRoy*, Governor and Commander-in-Chief
of New Zealand, &c. &c. &c.

You are hereby required and directed to superintend and assist the agent of the New Zealand Company in effecting the valid purchase or valid purchases, to the extent of not more than 150,000 acres of available land, without regard to figure or continuity of blocks, in or near the Wairarapa or Waiderop Valley, in the neighbourhood of Port Nicholson, and of not more than 250,000 acres of land in other places within the limits claimed by the New Zealand Company under Mr. Pennington's award; to which extent the Crown's right of pre-emption will be waived on certain conditions.

Given under my hand and seal, this 27th day of February 1844.

(signed) *Robert FitzRoy*, Governor.

Mr. Commissioner Spain, Wellington.

By his Excellency *Robert FitzRoy*, Esq., Governor, and Commander-in-Chief of New Zealand, &c. &c. &c.

You are hereby required and directed to proceed to New Munster (or the Middle Island), and there superintend and assist the agent of the New Zealand Company in effecting the valid purchase or valid purchases of not more than 150,000 acres of available land, without regard to figure or continuity of blocks.

To such an extent of land, the Crown's right of pre-emption will be waived, upon your report of the validity of the purchase, under certain conditions.

You will be most careful not to countenance any, even the smallest encroachment on, or infringement of existing rights or claims, whether native or other, unless clearly sanctioned by their legitimate successor.

You will inform settlers now established in New Munster, that their cases will be most carefully and kindly dealt with by Government, under existing regulations, or by a special act of grace, such as by waiving the Crown's right of pre-emption in their favour to a reasonable extent.

You will inform the aboriginal native population, that you are sent to superintend and forward the purchase of lands which they wish to sell, and that you, on behalf of the Government will not authorize, nor in any way sanction any proceedings which are not honest, equitable and in every way irreproachable.

You will exert your authority as police magistrate, where it may be required, and report your proceedings from time to time to the Superintendent of the Southern Division.

369.

H

Your

No. 1.
27 February 1844.

No. 2
27 February 1844.

Your knowledge of the native character and habits, your late employment as sub-protector of aborigines, and your own personal conduct, recommend you for this special service.

While absent from Wellington on this important duty, you will be entitled to receive 10s. per diem for travelling expenses.

Given under my hand and seal this 27th day of February 1844.

J. J. Symonds, Esq.,
Police Magistrate, Wellington.

(signed) *Robert FitzRoy*, Governor.

P. S.—You will be furnished with a copy of Lieutenant-colonel Godfrey's report upon claims to land in New Munster, by the first opportunity that may offer for sending it to Wellington.

(signed) *R. F.*

(44/3.)

Sir,

Wellington, 29 March 1844.

4 Enclosures.

In consequence of the enclosed application from Mr. Symonds, your Excellency will observe, I have authorized him to employ an interpreter, in case he should deem it essential for carrying out satisfactorily your commands on the service in which he is about to be engaged in the Middle Island.

I have, &c.

His Excellency the Governor,
&c. &c. &c., Auckland.

(signed) *M. Richmond*,
Superintendent.

Sir,

Wellington, 27 March 1844.

I HAVE the honour to inform you that in accordance with his Excellency the Governor's commands, directing me "to proceed to New Munster (or the Middle Island), and there superintend and assist the agent of the New Zealand Company in effecting the valid purchase of not more than 150,000 acres of available land," I am about to comply with the request of the agent of the New Zealand Company (a copy of whose letter I have the honour to enclose), and proceed to the Middle Island (New Munster) for the purpose above-mentioned. At the same time I have to request you will have the goodness to authorize me to employ an interpreter, in case I should deem it essential for carrying out his Excellency's commands.

I have, &c.

His Honor the Superintendent
of the Southern Division of New Zealand,
&c. &c. &c.

(signed) *John Jermyn Symonds*.

Sir,

Wellington, 27 March 1844.

I HAVE the honour to communicate to you the steps I have taken, in pursuance of the arrangement, sanctioned by his Excellency Governor FitzRoy, for establishing a settlement in the Middle Island by the New Zealand Company, to facilitate which object, by assisting the Company's agents in the acquisition of a suitable district of land, you received the instructions from his Excellency, with a copy of which he was pleased to furnish me.

Mr. Frederick Tuckett, late chief surveyor to the Company at Nelson, has been charged by me, on the part of the Company, with the selection of the site, and with the purchase of the land from the natives, with your approval and assistance for the proposed settlement.

Mr. Tuckett has chartered the schooner "Deborah," 120 tons, for the purpose of conveying an exploring party, with provisions and materials for a house, to Port Cooper, from whence he purposes to examine the land in the neighbourhood of Banks' Peninsula, and afterwards to proceed to Foveaux's Straits and Milford Haven; he calculates that the time requisite for determining the place, and allowing the "Deborah" to return to this place, would be within (60) sixty days.

As it is a matter of importance that no time should be lost in treating with the natives after the appropriate locality is selected, previously to the commencement of any surveying operations, Mr. Tuckett proposes to call here on his way from Nelson, for the purpose of inviting you to accompany him in his voyage. The "Deborah" was to leave Nelson on the 25th or 26th instant, and may therefore be hourly expected here; as soon as she arrives, I will wait upon you with Mr. Tuckett to learn your wishes on the subject.

I have, &c.

J. J. Symonds, Esq.,
&c. &c. &c.

(signed) *William Wakefield*,
Agent of the New Zealand Company.

No. 44/38.)

Sir,

Wellington, 28 March 1844.

I HAVE the honour to acknowledge the receipt of your letter of this day's date, requesting me to authorize you to employ an interpreter, in case you should deem it essential for carrying out his Excellency's commands, with regard to the purchase of land by the New Zealand Company in the Middle Island, which you have received the Governor's directions to superintend. In the progress of the duty you are about to be engaged in, should you find an interpreter absolutely necessary to conduct it satisfactorily, I have no hesitation in authorizing you to employ one, and as restricting you in the terms to offer might occasion the delay of a reference, which would retard or perhaps defeat arrangements, I am aware, it is his Excellency's wish to facilitate, I leave all to your discretion, with a full reliance that you will observe the strictest economy when engaging the services of any person you may deem qualified for the office.

I have, &c.

(signed) *M. Richmond*, Superintendent.

J. J. Symonds, Esq.,
Asst. Police Magistrate, &c., Wellington.

(Translation.)

Akaroa.

LET my book go to . . . salutations to you; my friends, this is my speech to you. I have been commissioned by the Governor to come here and superintend the sales of your land, to lay down justice between you and Mr. Tuckett, the agent of the New Zealand Company; not that I have any personal interest in purchasing your land, but only that I wish to lay down what is just between you. Come then all of you to . . . that I may know the owners of the land, whether squatters or freeholders,—come speedily.

From your friend,

(signed) *Symonds*.

(A correct Translation.)

(signed) *George Clarke, jun.*
Protector Aborigines.

EXTRACT from General Letter to Superintendent of Southern Division, dated 31 May 1844.
(No. 20.)

Colonial Secretary's Office, Auckland,
31 May 1844.

"The Governor approves of your having authorized Mr. Symonds to employ an interpreter when necessary in the important service he is forwarding."

No. 5, dated 29 March 1844.
Mr. Symonds' application for permission to employ an interpreter, should he deem it absolutely necessary in carrying out his mission to the Middle Island.

I have, &c.

(signed) *Andrew Sinclair*,
Colonial Secretary.

(No. 44/8.)

Sir,

Wellington, 3 April 1844.

I do myself the honour to report that Mr. Symonds embarked yesterday in the schooner "Deborah" for New Munster, to superintend and assist in effecting the purchase of land by the New Zealand Company, agreeably to the instructions he received from your Excellency.

As I learnt there were two surveyors on board attached to Mr. Tuckett, the agent selected to conduct this purchase, and as Mr. Symonds expressed himself apprehensive that an attempt would be made to survey the land before the arrangements were completed, I took an opportunity, when the principal agent of the New Zealand Company was present, to distinctly and positively forbid Mr. Tuckett's proceeding with any survey until the land was alienated by the natives, and permission given him by the Government officer who was intrusted to superintend the negotiations, and in order that no misunderstanding might exist on the subject, I gave Mr. Symonds the letter of which the enclosed is a copy.

I have, &c.

(signed) *M. Richmond*, Superintendent.

His Excellency the Governor, &c., Auckland.

1 Enclosure.

(No. 44/48.)

Sir,

Wellington, 2 April 1844.

You are clearly to understand that in superintending the purchase of land by the New Zealand Company in the Middle Island, no survey is to be proceeded with by its agent or any one employed by him until you are perfectly satisfied that the land has been alienated by the aborigines, and purchased by him on behalf of the Company.

I have, &c.

(signed) *M. Richmond*, Superintendent.

J. J. Symonds, Esq.,
Asst. Police Magistrate, &c., Wellington.

EXTRACT from General Letter to Superintendent of Southern Division, dated 31 May 1844
(No. 20.)

Colonial Secretary's Office, Auckland,
31 May 1844.

No. 8, dated 3 April 1844.

Departure of Mr. Symonds for the Middle Island, and the instructions issued to him relative to the survey by the Company's surveyors of land previous to its final sale by the aborigines.

"The steps taken by you are approved."

I have, &c.

(signed) *Andrew Sinclair*,
Col. Secretary.

(No. 44/15.)

Sir,

Wellington, 23 May 1844.

Enclosures,
Nos. 1 to 6.

By the accompanying documents which I do myself the honour to forward, your Excellency will learn the reason of Mr. Symonds' return to Wellington from New Munster, to which place I reported he had proceeded on the 2d ultimo.

After transmitting the correspondence which passed between him and Mr. Tuckett to the principal agent of the New Zealand Company, and finding he had commissioned his brother, Mr. Daniel Wakefield, to proceed to the Middle Island prepared with funds to effect the acquisition of land for the Company, I directed Mr. Symonds to return with him by the schooner "Scotia," which sailed on the 21st instant, in order that every facility might be afforded in the negotiations for the purchase.

From the tone of the letter I received from the Company's principal agent, I was apprehensive that in his communications with Mr. Tuckett he might not have expressed himself in sufficiently strong terms on the impropriety of his proceedings so as to prevent a repetition of them; and it having likewise come to my knowledge that an influential chief in the south had written to another, assenting to the sale of the land, but at the same time remarking, "that if the pakehas did not make all straight, they had only to repeat the scene of the Wairau," I considered that Mr. Symonds should be furnished with more stringent directions to enable him at once to put a stop to any measure which he conceived was likely to bring on a collision with the aborigines, or create any serious misunderstanding between them and our countrymen.

A copy of these instructions I herewith enclose.

Enclosure,
No. 4.

Previous to Mr. Symonds' and Mr. D. Wakefield's departure, they had several interviews at my house, when I courted their putting any question to each, or to me, upon points on which either entertained the slightest doubt; and from the manner in which both appeared to understand the business, and the correct sense Mr. Wakefield seemed to take of Mr. Tuckett's conduct, I do not contemplate there will be any further misunderstanding or delay.

In relation to the new settlement, when the choice of sections are being made, it will be necessary to have an officer on the spot to select reserves for the Government and natives; for this duty (should I not be previously instructed by your Excellency), it is my intention to appoint Mr. Symonds, whose local knowledge and experience as a surveyor qualifies him for the service.

I shall endeavour to furnish him with a list of what is required, in the event of my not learning in time what reserves your Excellency may consider necessary.

I have, &c.

(signed) *M. Richmond*, Superintendent.

His Excellency the Governor, &c., Auckland.

Enclosure

Enclosure 1, to Despatch No. 15, dated 23d May 1844.

Sir,

Wellington, 1 May 1844.

I HAVE the honour to report to you my arrival in this place, having been compelled, by the following unforeseen circumstances, to withdraw from the expedition, for the purchase of a site for the settlement of New Edinburgh; viz. 1st. Because the agent of the New Zealand Company for New Edinburgh has proceeded to survey lands and roadsteads contrary to your instructions to me on this head, dated 2d April 1844, alleging as an excuse for so doing, his having obtained permission from the proprietors, both European and aboriginal.

As the principal chiefs to whom this district partly belongs were absent at Port Levy, and no permission to survey was granted by them to Mr. Tuckett, while he was at Port Cooper, I considered the sanction of the aboriginal proprietors had not been obtained.

Mr. Jones, who is the greatest landed proprietor in this district, did grant permission to Mr. Barnicoat to survey "Waikawaite;" but this gentleman did not think proper to inform me of the circumstance, although he led Mr. Tuckett to understand that he had fulfilled his instructions on this head. It was by unintentionally overhearing two of Mr. Tuckett's assistants forming plans for the commencement of the survey in question, that I was led to conceive their intentions; and was then informed that Mr. Tuckett had left instructions with them to survey "Waikawaite" during his absence. Not having informed me of any such arrangements previous to his departure, as I considered your instructions most positive on this point, I recommended these gentlemen, in the mildest terms, to abstain, and await the arrival of Mr. Tuckett, who, on his return, transmitted me the enclosed communication, (No. 1.) a copy of which I have now the honour to forward for your inspection. 2d. As the instructions of his Excellency the Governor to me were to superintend and assist in the purchase of a portion of land for the settlement of New Edinburgh, I was led to understand, previous to my departure from this place, by a letter from the New Zealand Company's principal agent, a copy of which I had the honour to place before you, that Mr. Tuckett was empowered by him to effect this purchase, and had the means of so doing. I subsequently ascertained that it was his intention to remunerate the aborigines for their land, partly in goods, and partly by a cheque drawn on the principal agent of the New Zealand Company. I did not consider the latter mode of payment satisfactory, the aborigines not comprehending the nature of such.

Messrs. Barnicoat & Davidson.

I beg leave to add, in conclusion, that although Mr. Tuckett disclaims in his letter (No. 2.) (a copy of which I also have the honour to enclose), having expressed any intention of acting in opposition to any of your wishes, he informed me "that he had no idea of being trammelled by any instructions I might have received on this subject, more especially as they were opposed to the object of his present expedition." And furthermore stated, as you will perceive by the enclosed communication, that it was his indispensable duty to give his assistants similar instructions, in reference to the port of "Otago," and all other ports which he might subsequently visit, considering this mode of proceeding in direct opposition to the tenor of your instructions, which were peremptory on this head, I conceived myself bound to withdraw from the expedition, and avail myself of the opportunity which fortunately offered itself, at that moment, to ascertain your further instructions on these important points.

I have, &c.

His Honor the Superintendent,
&c. &c. &c., Wellington.(signed) *John Jermyn Symonds, P.M.*

Sir,

"Deborah," off Waikawaite, 22 April 1844.

MR. BARNICOAT not having complied with my instructions in reference to effecting a survey of this roadstead, and alleging as the ground of such omission, your interference and disapprobation (notwithstanding that he had urged, that he was assured by Mr. Jones, that such proceeding would be perfectly satisfactory to the aboriginal inhabitants and himself), I have to request you will furnish me with the name of any proprietor or proprietors of land at "Waikawaite," on whose behalf you may have acted, in thus frustrating one of the objects of my present enterprise.

I remain, &c.

J. J. Symonds, Esq.,
Police Magistrate.(signed) *Frederick Tuckett.*

Sir,

"Deborah," off Waikawaite, 22 April 1844.

IN answer to your letter of the 22d April, in which you request that I will furnish you with the name of any proprietor or proprietors of land at Waikawaite, on whose behalf I may have acted, in thus prohibiting one of the objects of your present enterprise, I have the honour to enclose, for your information, a copy of a letter from his Honor the Superintendent of the Southern District, "in which you will observe that it is clearly defined that

no survey is to be proceeded with by the agent of the New Zealand Company, or any one employed by him, until I am clearly satisfied that the land has been alienated by the aborigines, and purchased by him on behalf of the Company."

I have, &c.

The Agent of the New Zealand Company
for New Edinburgh, &c. &c. &c.

(signed) *John Jermyn Symonds.*

(No. 44/48.)

Sir,

Wellington, 2 April 1844.

You are clearly to understand, that in superintending the purchase of land by the New Zealand Company in the Middle Island, no survey is to be proceeded with by its agent, or any one employed by him, until you are perfectly satisfied that the land has been alienated by the aborigines, and purchased by him on behalf of the Company.

I have, &c.

J. J. Symonds, Esq.,
Assistant Police Magistrate, &c. Wellington.

(signed) *M. Richmond, Superintendent.*

Sir,

"Deborah," off Waikawaite, 22 April 1844.

UNDERSTANDING from your verbal communication of this morning, that you do not feel yourself bound to acquiesce with the wishes of his Honor the Superintendent of the Southern District, respecting the survey of land not alienated by the aborigines, and observing that you are about to commence a survey of Waikawaite, in direct opposition to instructions I have received from him on this subject, I have the honour to inform you that I cannot sanction, by my presence, proceedings so opposed to the wishes of the Government.

I have, &c.

The Agent of the New Zealand Company
for New Edinburgh, &c. &c. &c.

(signed) *John Jermyn Symonds, P.M.*

Sir,

Off Waikawaite, 22 April 1844.

In reply to your second letter of the 22d instant, I beg to state that I disclaim having expressed any intention of acting in opposition to the wishes of his Honor the Superintendent of the Southern District; or of causing any survey of lands to be made here, or elsewhere, prior to the acquisition of such lands by purchase. Mr. Barnicoat was instructed by me to ask permission of the most competent and influential proprietor here to make a survey of this port and roadstead, and to acquaint you, in the event of his obtaining such permission, and then to execute such a survey. He assures me that he strictly fulfilled these instructions, but that he was deterred from proceeding to execute a survey by your expression of unqualified disapprobation of such proceedings, and your avowed determination to withdraw from this expedition (for the selection and acquisition of a district for the future settlement of New Edinburgh), in the event of his proceeding to execute the survey already referred to, as it will be my indispensable duty to give him similar instructions in reference to the port of "Otago," and all other ports which I may successively visit, in prosecution of the objects of my present expedition. I can only express my sincere regret that our duties respectively should be so incompatible as to render it necessary for you to withdraw the further sanction of your presence.

I have, &c.

J. J. Symonds, Esq., P. M.

(signed) *Frederick Tuckett,*
Agent for the New Zealand Company.

Enclosure 2.

Sir,

Wellington, 22 May 1844.

I do myself the honour to transmit for your information a letter I received this morning from Mr. Symonds, the officer selected by his Excellency the Governor to superintend and assist in the acquisition of land by the New Zealand Company in New Munster, together with a correspondence which has taken place between him and Mr. Tuckett, the agent appointed by you to conduct the purchase, occasioned by the latter persisting in landing instruments for the alleged purpose of surveying the port of Waikawaite, as the Government representative considered the act of conducting the survey on shore, without giving him an opportunity of ascertaining if it was objectionable to the natives, to be in direct opposition to the spirit of his instructions; he remonstrated with Mr. Tuckett on the impropriety of such a proceeding, which was so far disregarded, that he avowed his purpose of continuing the same system at "Otago," and every other port they might touch at. Mr. Symonds, therefore,

therefore, rather than sanction such measures by his presence, withdrew from the party and returned to Wellington.

As Mr. Tuckett will have completed his tour before it is possible he can receive any further instructions, the responsibility must rest upon him of any consequences that may result from carrying on measures so liable to misconstruction by the natives, and which may probably frustrate the objects of his mission.

I conclude, you will soon be made acquainted with the site the Company's agent considers most eligible for the new settlement, when Mr. Symonds will be ready to comply with his instructions; but as the purchase must be complete before he can furnish his report to his Excellency, I would suggest, that a sufficient sum of money be forwarded by the same vessel that conveys him, to enable the Company's agent to effect this satisfactorily, which, it appears from Mr. Symonds' letter, Mr. Tuckett is not at present in a position to accomplish.

I have, &c.

(signed) *M. Richmond*, Superintendent.

William Wakefield, Esq.,
Principal Agent of the New Zealand Company,
&c. &c. &c.

Enclosure 3.

Sir,

Petre, 8 May 1844.

I HAVE the honour to acknowledge the receipt of your letter of the 2d instant, acquainting me with the return to Wellington of Mr. Symonds, the officer charged by his Excellency the Governor to superintend and assist in the purchase of land for the projected settlement of New Edinburgh, in New Munster, in consequence of Mr. Tuckett, the agent of the New Zealand Company, having directed some partial survey of the roadstead at Waikawaite, which the former did not consider himself authorized by your instructions to him to sanction by his presence; and enclosing copies of a correspondence between these gentlemen.

Whilst I regret exceedingly that any misunderstanding should have arisen which may oppose the accomplishment of the objects of the expedition for the acquisition of a suitable location for the proposed settlement, I do not think it necessary to advert to the subject of difference, further than to express my conviction that Mr. Tuckett was conscientiously impressed with the importance of the steps he adopted in order to enable him to detail the comparative merits of the ports he visited, and bore in mind the express permission you gave verbally at the interview, with which you favoured us on the eve of his sailing from Port Nicholson, that such partial surveys of harbours might be made, provided the resident natives did not object to them.

I have directed that a copy of the letter which Mr. Kelham addressed to Mr. Tuckett in my absence, on the propriety of his obtaining Mr. Symonds' express sanction to any operations he may consider requisite to determine the relative qualities of places before the work is proceeded with, if such necessity again arises, should be delivered to you, and I shall communicate to Mr. Tuckett my entire concurrence in the sentiments expressed in it.

Mr. Kelham is instructed by me, so soon as Mr. Tuckett has made his report of the site he may select for the settlement, to remit to him the amount of the purchase-money of the land, or such goods as the natives may desire of the same value, according to the information he may receive from Mr. Tuckett respecting the mode of payment preferred by them; and to acquaint you and Mr. Symonds with the arrangements he may make for me on behalf of the Company, with a view to the accomplishment of the desired object in a satisfactory manner to all parties.

I have, &c.

His Honor the Superintendent
of the Southern Division of New Zealand.

(signed) *W. Wakefield*.

Enclosure 4.

Sir,

Wellington, 18 May 1844.

HAVING referred your letter of the 1st instant to the principal agent of the New Zealand Company, I have now the honour to enclose a copy of a communication addressed to Mr. Tuckett, together with two extracts from letters, which will be delivered to him by Mr. Daniel Wakefield, who is commissioned by his brother to proceed with you to New Munster.

Should these instructions be disregarded, and you find that the Company's agent undertakes any survey without your permission, and against your remonstrance, or should adopt any measure which you may deem calculated to bring about another collision between our countrymen and the aborigines, you are hereby directed either to suspend all further negotiations between the New Zealand Company's agent and the natives for the acquisition of the land until you again communicate with me, or exert your authority as police magistrate to enforce obedience to your instructions (which can easily be effected by swearing in special

special constables from the crew of one of the vessels at Otago), whichever mode in your opinion will be best adapted to meet the emergency, and maintain a friendly intercourse with the natives.

I have, &c.

(signed) *M. Richmond*, Superintendent.

J. J. Symonds, Esq.,
Additional Police Magistrate, Wellington.

EXTRACT from *W. Wakefield*, Esq., Letter to his Honor the Superintendent of the Southern Division, dated 8th May 1844.

I HAVE directed that a copy of the letter which Mr. Kelham addressed to Mr. Tuckett, in my absence, on the propriety of his obtaining Mr. Symonds' express sanction to any operations he may consider requisite to determine the relative qualities of places, before the work is proceeded with, if such necessity again arises, should be delivered to you, and I shall communicate to Mr. Tuckett my entire concurrence in the sentiments expressed in it.

(signed) *W. Wakefield*.

(A true extract.)

(signed) *M. Richmond*, Superintendent.

EXTRACT of Letter from Colonel *Wakefield* to Mr. *Tuckett*, Acting Agent for the New Edinburgh, dated Petre, 8 May 1844.

I REGRET exceedingly that any misunderstanding has arisen between you and Mr. Symonds; Mr. Kelham had written a letter to you in my absence on the subject, which so well expresses my sentiments that I have directed him to forward it to you.

(signed) *W. Wakefield*.

(True extract.)

(signed) *Jas. Kelham*, Accountant,
New Zealand Company.

Dear Sir,

Wellington, New Zealand, 1 May 1844.

IN the absence of Colonel Wakefield, who has proceeded to Taranaki, I reply to your communications up to 22d April, received this morning by the Scotia.

It appears that an obstacle to the well working of your important undertaking has arisen from a difference of opinion between you and Mr. Symonds, respecting certain preliminary surveys, and that this has induced him to leave the scene of operation and return to Wellington.

This difference seems to relate not to the expediency of the surveys as proposed by you, but to the mode of commencing them, and wherein, perhaps, Mr. Symonds may not have been sufficiently consulted.

From a conversation I have had this morning with Major Richmond, taken in connexion with the statement he has received from Mr. Symonds upon the subject, it would appear that although the latter replied officially to you in his letter of the 22d April, quoting his instructions from the superintendent, "that no survey was to be proceeded with until he was satisfied that the land had been alienated by the aborigines, and purchased through him on behalf of the Company," yet that such instructions are not to be literally construed, as depriving him of all discretionary power; I also understand from Major Richmond, that Mr. Symonds is authorized to permit any surveys that may be preliminarily necessary for fixing upon the site of the intended settlement, provided he is satisfied they may be made without causing irritation or uneasiness in the mind of the natives.

I ought, moreover, to inform you, that the Government, in according Mr. Symonds' assistance to the undertaking, do so upon the understanding that he is to be the sole judge of what proceedings, in respect of surveying, are calculated to irritate the aborigines.

Under these circumstances, it seems to me, that your operations must, if possible, be conducted so as to harmonize with Mr. Symonds' views, and that you would do well to consult him upon all occasions, so as to obtain his cordial co-operation.

In conclusion, I can only say, that I have done my best to express Colonel Wakefield's sentiments, with which frequent consultations with him on the subject of the new settlement make me fully acquainted.

I remain, &c.

pro *W. Wakefield*,
(signed) *Jas. Kelham*.

Frederick Tuckett, Esq.,
Acting Agent for New Edinburgh.

Enclosure

Enclosure 5.

Sir,

Secretary's Office, Wellington, 18 May 1844.

I AM directed by his Honor the superintendent, to enclose copies of instructions addressed to Mr. J. J. Symonds, the officer charged by the Government with the superintendence of the purchase of a site for the intended settlement of New Edinburgh, in the Middle Island; and to request that, after perusal, you will have the goodness to hand them to Mr. Tuckett for his information.

Two Enclosures.

I have, &c.

Daniel Wakefield, Esq. &c. &c. &c.
Wellington.

(signed) S. E. Grimstone, Secretary.

(A true copy.)

(signed) M. Richmond, Superintendent.

Enclosure 6.

Sir,

Wellington, 20 May 1844.

I DO myself the honour to acknowledge the receipt of your letter of the 8th instant, and as you mention you had communicated to Mr. Tuckett your entire concurrence in the sentiments expressed in Mr. Kelham's letter to him, there would have been no occasion for further correspondence on the subject, were it not for the lenient construction you appear to put upon the proceedings of your agent, and the manner in which you dwell on the qualified permission I gave for partial surveys of ports, as shown by the following extract from your letter: "I do not think it necessary to advert to the subject of difference, further than to express my conviction that Mr. Tuckett was conscientiously impressed with the importance of the steps he adopted, in order to enable him to detail the comparative merits of the ports he visited, and bore in mind the express permission you gave verbally at the interview with which you favoured us on the eve of his sailing from Port Nicholson, that such partial surveys of harbours might be made, provided the resident natives did not object to them."

It is therefore incumbent on me to bring to your recollection that at the interview to which you allude, I positively prohibited Mr. Tuckett from proceeding with any survey until the land had been alienated by the natives, and on being asked by him if I would consent to partial surveys of ports, provided it was not objectionable to the resident aborigines, my answer was, that every reliance could be placed on Mr. Symonds' discretion, who having been a surveyor was competent to judge when such a measure was necessary, and that I could offer no objection, provided he first ascertained that the natives were not unfavourable to it, and gave his permission; I distinctly repeated several times in your presence, and when you left us, "but nothing must be done without the sanction of the Government officer;" all this was communicated to Mr. Symonds, who was prepared to act upon it, but Mr. Tuckett never thought proper either to consult him or afford an opportunity of learning what sensation such a proceeding was likely to create; lest, therefore, you should have been equally lenient in expressing to Mr. Tuckett your sense of his conduct, or that he may disregard your concurrence in what Mr. Kelham has written, I have considered it necessary, in order to guard against the peace of the country being again disturbed, and that no misconception whatever may in future exist, to furnish Mr. Symonds with the additional instructions, of which I enclose a copy, as your brother, Mr. Daniel Wakefield, has been commissioned by you to proceed to New Munster, and is prepared with funds to effect the purchase of the land; I have directed Mr. Symonds to return by the same conveyance (the "Scotia," which sails to-day,) in order that no delay may take place, and every facility be afforded to the Company to complete their arrangements for the reception of the first emigrants for the new settlement, whose early arrival may be expected.

I have, &c.

William Wakefield,
Principal Agent of the New Zealand Company.

(signed) M. Richmond, Superintendent.

(No. 25.)

EXTRACT from General Letter to Superintendent of Southern Division, dated 19 July 1844.

Colonial Secretary's Office, Auckland, 19 July 1844.

WITH reference to the report contained in your letter of the 23d of May, No. 15, I am to convey to you his Excellency's approval of all that has been done by you in the matter referred to.

I have, &c.

(signed) Andrew Sinclair Colonial Secretary.

Sir,

Wellington, 11 July 1844.

Two copies.

I HAVE the honour to transmit a letter from Mr. Symonds, stating his reason for again returning to Wellington from New Munster, without having effected the object of the mission intrusted to him by his Excellency the Governor, together with copies of a lengthened correspondence which has taken place on the subject.

Having acquainted the principal agent of the New Zealand Company with my determination not to allow the Government officer to hold further communication with Mr. Tuckett, he declared his intention to proceed to Otago (the site selected for New Edinburgh), and conduct the purchase himself; I therefore directed Mr. Symonds to carry out his Excellency's instructions, conjointly with him, instead of the agent with whom he had hitherto held intercourse.

After the manner Mr. Tuckett expresses himself in his letter to Mr. D. Wakefield, of the 13th ultimo, and the construction put by the principal agent on the qualified permission I gave for the partial survey of ports, it will be satisfactory to his Excellency to read the accompanying letters from two disinterested persons who happened to be present at the interview Colonel Wakefield and Mr. Tuckett had with me previous to the departure of the latter from Wellington. Mr. Wing is the master of the vessel which was chartered by the Company for the expedition.

I have, &c.

(signed) *M. Richmond*, Superintendent.

The Honourable the Colonial Secretary,
&c. &c. &c.

Sir,

Wellington, 29 June 1844.

I HAVE the honour to report to you my arrival here this day from Otago, where I proceeded to superintend and assist the New Zealand Company's agent in effecting the purchase of land from the aborigines, for the site of the settlement of "New Edinburgh."

The marked discourtesy and want of co-operation of Mr. Tuckett, the New Zealand Company's agent, compelled me to resort to this measure, which I adopted after mature deliberation, considering it impracticable to carry into effect the commands of his Excellency the Governor, which the accompanying correspondence will, I trust, suffice to substantiate.

I have, &c.

(signed) *John Jermyn Symonds*, P. M.

His Honor the Superintendent
of the Southern Division, &c. &c. &c.
Wellington.

Sir,

Otago, 14 June 1844.

I HAVE the honour to enclose you a copy of a letter which I have just received from Mr. Tuckett, the agent of the New Zealand Company for New Edinburgh.

I have, &c.

(signed) *D. Wakefield*.

J. J. Symonds, Esq.
&c. &c. &c.

Sir,

Otago, 13 June 1844.

I REG you will communicate to the Government representative, — Symonds, Esq., that I wish to effect a purchase of the 150,000 acres allowed for the settlement of New Edinburgh, in a district interjacent between the harbour of Otago and the South Headland (Tokata) of Molineux Bay (Kunesoo), the precise limits of such 150,000 acres to be defined hereafter on execution of an actual survey, the reserves within such limits, if any, are required to be defined by the sellers. It would greatly facilitate a clear understanding with the present proprietors, if a continuous block of land equal to about 12 miles in its extreme breadth, in a course inland about due west by compass, might be acquired. In the accompanying plan of my route, such a block of land is indicated in the space coloured red and green; the former represents the land I would survey and subdivide into sections, the latter that which I consider ineligible for occupation. The boundaries, as nearly as I can define them in words, are along either shore of Otago harbour, from the entrance to the head, the summit ridge from which the water flows to the harbour, or, if preferred, say one mile back from the shore of the harbour, of which, on an average, not more than half a mile would be available. Proceeding inland to the head of the Taiarea valley, I would propose the adoption of the same natural boundary of the summit ridge from whence the water flows south-east and south to the coast by the valley of the Kaikarai or Green River, and the plain of the Taiarea; the same inland boundary (summit ridge) on the west of the Taiarea and Tokonuisia plains to the bank of the River Matau,* from thence continuing the western boundary a straight line from the upper extremity of the survey of three miles up the valley of the Matau to the head of the Puesua; from the head or source of the Puesua, as a south-

* Three miles above the separation of the Koau branch of the Matau.

south-western boundary to the bed of the stream, called Kunesoo, to the sea-shore; along the sea-shore from one mile north-east of the head of Otago harbour to the south headland of Molineux Bay or Kunesoo; the eastern boundary is the ocean, on which frontage the land proposed to be subdivided into sections is coloured red, nowhere extending inland more than one mile.

REMARKS on the District.

Immediately south of the mouth of the Kunesoo, Molineux Bay, on the sea-shore, three or four good houses have been erected, two of which are occupied, the one by Mr. Wiltshire, the other by Mr. Russell, the former the agent of some party in Sydney, the latter as proprietor of land which he purchased of the same party in Sydney. Mr. Wiltshire has cleared and partially cultivated about 10 acres of land; Russell less than half that quantity; they have no acknowledged claim. Immediately north of the mouth of the Kunesoo, also on the sea-shore, reside a few Maoris, viz., Toki, the widow of Tahin, formerly chief of Kunesoo; Makauri, a young woman; Maihou and Tonwere, aged men; Kaki-Kaki and Tohatu, young men; also, three children. They have lately erected some new houses of improved construction, and have a few acres of land adjoining under cultivation. These, with Te-kaki and Kuri, of the Tiarea, who reside at the Taiarea, are the only aboriginal residents; Tuawiti was born on the banks of the Matau, and considers himself as almost sole proprietor. Another tribe of Maoris once occupied this district, and were very numerous, but exceedingly unwarlike; they were rapidly exterminated by the present power, the Rangitani, and this within the present century. I wish it to be clearly stated in the deed of purchase, or clearly explained to the Maoris and recorded, that the names of such Maoris as are now actually resident and occupiers of land within the district described, and that other Maoris cannot, after the land is paid for, reside within the district, excepting on such land as may be specially reserved for the present residents or others. The two clearings of Te-kaki are near the mouth of the Taiarea; the other, on the plain on the east bank of the river, I have not coloured, supposing he would not part with them, otherwise, the latter I should like to acquire. The native proprietors at Otago are, I believe, known to Mr. Symonds; I do not wish to acquire any of their usual places of residence at the entrance of the harbour, but of a point occupied as a whaling station, and thence inland on the east side of the harbour, on which many Europeans reside, I consider it important that I should be put in possession, either by the magistrate or the aboriginal proprietors. I request you will also communicate with Mr. Symonds on another subject. The practice of squatting on lands purchased by the New Zealand Company has been a source of much trouble in all the former settlements; here, unless some rigorous measures are pursued, the coil will be greatly increased on the arrival of adventurers prior to the emigrants. I have already written to the principal agent of the New Zealand Company, requesting that an advertisement may be inserted in the "Nelson Examiner" and "Wellington Gazette," cautioning all persons that no employment will be given to any by the Company's resident agent; who erect houses on the lands purchased by the Company for the settlement of New Edinburgh, prior to the distribution of the sections. Colonel Wakefield requests me to avail myself of your assistance in communicating with Mr. Symonds respecting the purchase of land, which I do with great pleasure, after the very unpleasant termination of my previous intercourse with him, but Colonel Wakefield seems not to authorize me to request you to prepare a deed of purchase, except in the event of the present proprietors being of the European race, in his words, "and, if necessary, by preparing proper documents for binding white claimants to any bargain you may hereto make for the cession to the Company of their lands as allowed by the Commissioner." I desire also to be informed, as early as convenient, when it will suit Mr. Symonds to carry into effect his proposed inspection with the present proprietors of the district which I desire to purchase for the New Zealand Company, and have delineated, as accurately as I can, in the accompanying sketch, in order that I may make timely arrangements with Mr. Barnicoat and Mr. Davison, as my representatives, to accompany him, the former being conversant with the district, but about to return to Nelson unless I should have occasion for his services on the contemplated excursion. It is also my desire to attempt a negotiation with the natives for the purchase, as early as possible, that I may see what chance there is of a reasonable understanding, to forward my despatches to and obtain from Wellington the money or goods required for completing the purchase. As soon as it may be done without prejudice to the completion of the purchase of land for the Scotch settlement, I will return to you the correspondence of Major Richmond and others, sent through you for my information, as my ideas of propriety and truth suggest. In the interim, I beg to assure you that I regard him as little as Mordecai did Haman, but considering the insulting nature of the information, I cannot suppress the expression of my surprise that it should have been communicated to me by any one acting in the service of the New Zealand Company.

I remain, &c.

(signed) *Frederick Tuckett,*
as Agent for New Edinburgh.

D. Wakefield, Esq.
&c. &c. &c.

Sir,

Otago, 15 June 1844.

As I deem it essential that the Company's agent should be present to point out the boundaries of the intended purchase to the aboriginal proprietors, in order to prevent any misunderstanding hereafter, I have the honour to request you will be pleased to accompany me for the furtherance of this purpose, as soon as you can make it convenient to do so.

I have, &c.

The Agent of the New Zealand Company
for New Edinburgh.

(signed) *John Jermyn Symonds.*

Sir,

Otago, 15 June 1844.

IF it is indispensable that I should accompany you to point out the boundaries of the intended purchase to the aboriginal proprietors, although my absence would occasion a great hindrance to the most urgent affairs of the settlement, it would be least inconvenient to me to leave immediately. I beg to inform you, that this contemplated proceeding has excited the dissatisfaction of the Maori chiefs; that it has been imputed to me as my wish and act, by Tiroa, accompanied by a very strong expression of his antipathy; and as I am only anxious respecting the definition of the boundaries of their reserves within the district; should they wish to reserve any land, I beg you will acquaint the Maori chiefs that this step is required of me by you. I would submit that it is first necessary to ascertain whether they will sell the land, and on what terms. I certainly should not feel justified in incurring the indirect expenses (consequent on a suspension of business) of such a journey, until the terms of purchase had been determined, subject to a mutual recognition of the boundaries indicated on the sketch of the district.

I remain, &c.

(signed) *Frederick Tuckett,*
as Agent for New Edinburgh.

J. J. Symonds, Esq., P. M.
&c. &c. &c.

Sir,

Otago, 15 June 1844.

I HAVE the honour to acknowledge the receipt of your letter of this day's date, and beg leave to inform you that I was not aware of any dissatisfaction prevailing among the chiefs regarding the contemplated expedition to inspect the boundaries of the intended purchase.

I entirely coincide with what you submit, "that it is first necessary to ascertain whether the aboriginal proprietors will sell the land, and on what terms," and should recommend that a meeting of the native proprietors should be convened as speedily as may suit your convenience, to ascertain their sentiments on all the points in question.

I shall feel obliged if you will inform me of the time and place proposed for the meeting, and shall feel happy to do all in my power to forward the views of the New Zealand Company on the occasion.

I have, &c.

The Agent of the New Zealand Company
for New Edinburgh.

(signed) *John Jermyn Symonds.*

Sir,

Otago, 15 June 1844.

I HAVE the honour to enclose you a copy of a letter just received from Mr. Tuckett, the New Zealand Company's agent for New Edinburgh, in answer to your letter.

I have, &c.

J. J. Symonds, Esq.
&c. &c. &c.

(signed) *D. Wakefield.*

Sir,

Otago, 15 June 1844.

I ENCLOSE for your perusal a letter just received from J. Symonds, Esq., and shall be obliged by your convening a meeting, as quickly as possible, of native chiefs, and other proprietors of lands at Otago, and from hence to Molineux Bay, through the aid of the interpreter, if it is true that an interpreter is placed at your disposal, and under your discretion. As I have no official knowledge of any individual having been engaged in that capacity, I am under the necessity, in the very anomalous position in which I find myself placed, of speaking, and acting merely on hypothesis.

I remain, &c.

D. Wakefield, Esq.,
&c. &c. &c.

(signed) *Frederick Tuckett,*
as Agent of the New Zealand Company
for New Edinburgh.

P. S.—You will also please to inform Mr. Symonds of the time and place proposed for the meeting, on my behalf.

Sir,

Sir,

Otago, 17 June 1844.

I HAVE the honour to enclose you a copy of a letter which I received yesterday from Mr. Tuckett, the New Zealand Company's agent for New Edinburgh.

I have, &c.

J. J. Symonds, Esq.

(signed) *D. Wakefield.*

MEMORANDUM of a Letter, dated 15th June, written by Mr. Wakefield to Mr. Tuckett.

MR. WAKEFIELD informed Mr. Tuckett that Mr. Symonds had fixed that day week for a meeting of the natives, for the purpose of ascertaining their sentiments respecting the intended purchase. Mr. Wakefield also informed Mr. Tuckett, that Mr. Symonds would issue notices of the intended meeting, as well as explain the subject to the natives on the Monday following, when it was expected that a considerable number would be collected.

Sir,

Otago, 16 June 1844.

IT is with great regret that I learn from your favour of yesterday, that the negotiation with the natives is deferred for one week. Although convinced that it will produce a very unfavourable impression on their minds, and also that it is unnecessary, especially in reference to Otago, I must of course acquiesce in the judgment of the Government representative.

If the Maori chiefs inspect the boundaries, which is very doubtful, each proprietor will only look at that which concerns himself, so that it will be effected only by successive expeditions to each particular piece. Absolutely prohibited from acting myself, I know it to be perfectly impracticable to inspect the boundaries in Otago, where only it is of paramount importance without a preliminary survey cutting lines through the wood. I beg to remind you, that I have through you submitted to the consideration of the Government representative, two definitions of the boundary of the proposed purchase at Otago, in either the summit ridge on either side from whence the water flows to the harbour, or a space of a mile inland on either side of the harbour from the water's edge, and as yet I have not been informed which proposition is preferred: if the former, the only way of showing it to the Maoris is from the middle of the harbour, in a boat, if the latter; it cannot be shown until the boundary is set out and cut. Such are the endless difficulties consequent on having to act with parties who are not practical working men, that I begin to despair of any purchase being effected.

I remain, &c.

D. Wakefield, Esq.,
Otago.(signed) *Frederick Tuckett,*
Agent for New Edinburgh.

P.S.—Will you allow me, instead of returning the papers which you sent me addressed to you by Major Richmond, to forward them to Colonel Wakefield by the "Deborah," and return to me Mr. Symonds' letter of yesterday, which I also wish to enclose. I hope to furnish you with a copy of a hand* to you for perusal, my present correspondence with Colonel Wakefield, if, as I fear, I have not time to make a second copy thereof.

*Thus in the copy
furnished from the
Superintendent's
office. *Jas. F.*
C. C.

Sir,

Otago, 17 June 1844.

I HAVE the honour to inform you that I am about to return to Wellington by the "Deborah," as I find it impossible to carry into effect his Excellency the Governor's instructions, in consequence of your extraordinary conduct and correspondence, as well as your repeated opposition to any proposal suggested by me for the speedy arrangement of the purchase of lands from the native proprietors for the intended site of New Edinburgh.

I have, &c.

The Agent of the New Zealand Company
for New Edinburgh.(signed) *John Jermyn Symonds.*

17 June 1844.

FREDERICK TUCKETT presents his compliments to J. J. Symonds, Esq., and requests to know whether it would be agreeable to him to attempt an explanation of the misunderstanding which appears to have arisen between Mr. Symonds and himself officially, through the mediation of, or in the presence of Dr. Munro. He is most anxious that the interests of others should not suffer from his own incapacity for official correspondence, and has no knowledge of having given Mr. Symonds any ground of offence.

J. J. Symonds, Esq.

Otago, 18 June.

MR. SYMONDS presents his compliments to Mr. Tuckett, and begs leave to inform him, that if the matter at issue were of a private instead of a public nature, he would feel most happy to avail himself of Dr. Munroe's mediation. Under existing circumstances, he cannot accede to the proposed arrangement.

Frederick Tuckett, Esq.

Sir,

Otago, 17 June 1844.

HAVING read your note to Mr. Tuckett, informing him of your intention to return to Wellington, and of your reasons for so doing, I beg leave to say, that I entirely concur in the conclusion you have come to on the subject, and I am of opinion that Mr. Tuckett's behaviour, since our meeting him at this place, leaves no alternative for you to adopt.

I have, &c.

J. J. Symonds, Esq.

(signed) D. Wakefield.

Sir,

Otago, 17 June 1844.

I beg leave to return the letter from Mr. Symonds to you, dated the 15th instant, according to your request, as well as to say that I have no objection to all the papers addressed to me by Major Richmond being forwarded to Colonel Wakefield.

I have furnished Mr. Symonds with a copy of your letter to me, dated yesterday, and he has informed me that he intends to return to Wellington by the "Deborah." Mr. Symonds has also informed me, that his reason for taking this step is a belief that it will be impossible for him "to superintend and assist" you as agent for the New Zealand Company for the new settlement, since, by your letters and conduct you, although not expressly, do in reality reject his superintendence and assistance, and in your last letter you directly charge him with incapacity. I regret very much that Mr. Symonds has been forced to come to this determination, as his absence will occasion delay in obtaining the land to be purchased from the natives, and may thereby seriously injure the new settlement.

I must also say, however, that considering your conduct to Mr. Symonds, as a representative of the Government here, I believe that he has decided correctly, and will exercise a sound discretion in returning to Wellington. I shall accompany Mr. Symonds, being perfectly sure that I can be of no service in any transaction between the Government and yourself, who have repudiated my efforts as a mediator in a manner equally extraordinary and unjustifiable.

I have, &c.

Frederick Tuckett, Esq.
Agent for New Edinburgh.

(signed) D. Wakefield.

Sir,

Otago, 17 June 1844.

I beg to assure you that I have not the most distant conception of what you allude to by the expression, "in consequence of my extraordinary conduct and correspondence;" if it refer to letters which were not addressed to you, there is no room for any explanation; if you have been misinformed by others, I can only assure you, that I am most anxious for the speedy arrangement of the purchase of lands from the native proprietors; and whilst I acquiesce in your decision, as regards time, only desire that it might have been got more speedily effected.

I remain, &c.

J. J. Symonds, Esq. P. M., Otago.

(signed) Frederick Tuckett,
Agent for New Edinburgh.

Sir,

Otago, 18 June 1844.

MR. TUCKETT having informed Mr. Symonds that the contemplated proceeding (that is, the inspection of the boundaries of the intended purchase) has excited the dissatisfaction of the Maori chiefs, that it has been imputed to him (Mr. Tuckett) as his wish and act by Taia-roa, accompanied by a very strong expression of his antipathy, I request you will inquire whether the dissatisfaction described by Mr. Tuckett exists amongst the Maori chiefs, and generally what are their sentiments respecting the intended purchase of land, and let me know the result of your inquiry.

I remain, &c.

David Scott, Esq.,
&c. &c. &c.

(signed) D. Wakefield.

Sir,

Otago, 18 June 1844.

IN reply to your letter of this days' date, stating that Mr. Tuckett had informed Mr. Symonds, that the contemplated arrangement of inspecting the boundaries of the intended purchase has excited the dissatisfaction of the native chiefs, and requesting me to inquire whether the dissatisfaction described by Mr. Tuckett exists among them, and what are their sentiments respecting the intended purchase of land; I beg to state, that since my arrival here, I have had a number of conversations with the principal chiefs and natives generally, on both the subjects to which you refer, but more particularly this morning with Tuhawaika, Taiaroa, Pekoue and Karotai or Jacky White, who severally distinctly expressed themselves highly satisfied with the arrangement of pointing out and fixing the general boundary of the intended purchase, as well as the portions they wish to reserve, to prevent any future misunderstanding with the settlers, and they are all (chiefs and dependents without any exception) to my knowledge, willing to sell the block described in Mr. Tuckett's sketch plan, subject to the reserves I have mentioned, with a copy of which they have been furnished, and which was carefully examined and explained in my presence at a general meeting of the natives this morning, the result of which was an unanimous expression of their anxiety to complete the transaction with as little delay as possible.

I am, &c.

Daniel Wakefield, Esq.,
&c. &c. &c.

(signed) *David Scott.*

Sir,

Otago, 18 June 1844.

WITH reference to your letter of yesterday's date, I have the honour to inform you, that as I presume you are in possession of copies of the letters you were pleased to address to Mr. Wakefield for my information, and your own communications to myself, you can judge whether the matter contained therein be sufficient to justify the step which I apprized you it is my intention to resort to.

I also beg leave to state, that the information of others has in no way influenced me, but that I have acted, and act entirely upon the instructions entrusted to me by His Excellency the Governor, and his honour the Superintendent of the Southern District.

I have, &c.

The Agent of the New Zealand Company
for New Edinburgh.

(signed) *John Jermyn Symonds.*

Sir,

Otago, 18 June 1844.

I beg to acquaint you, that it is my intention, on the expected arrival to-day of a party of Maoris from Waikawaite, to address the assembled aborigines, in explanation of the objects of my visit here, as well as to ask their permission to remain.

I remain, &c.

J. J. Symonds, Esq.,
&c. &c. &c.

(signed) *Frederick Tuckett,*
as Agent for New Edinburgh.

Sir,

Otakou, 19 June 1844.

* WITH reference to your letter of the 15th instant, in which you inform me "that the contemplated proceeding, viz. (the inspection of the boundaries of the intended purchase) has excited the dissatisfaction of the Maori chief, that it has been imputed to you as your wish and act, by Taiaroa, accompanied by a very strong expression of his antipathy," I have the honour to transmit for your information, the enclosed correspondence on the subject, with which I have been furnished by Mr. Wakefield.

I have, &c.

The Agent of the New Zealand Company
for New Edinburgh.

(signed) *John Jermyn Symonds.*

My dear Major Richmond,

Wellington, 1 July 1844.

IN reply to your inquiry as to my recollection of what took place at the interview between yourself, Colonel Wakefield and Mr. Tuckett, at your house on the 2d of April last, upon the subject of the proposed purchase of a site for New Edinburgh to the southward, I beg to state that the substance was as follows: You informed Mr. Tuckett that no survey would be permitted until the purchase had been completed; and that he must not think of landing his instruments, as it created jealousy amongst the natives. Mr. Tuckett asked whether he would be permitted to take soundings, and survey the harbours, when you replied, "Yes, certainly, if the natives do not object;" but that he must upon these occasions first obtain the consent of Mr. Symonds. You also said to Mr. Tuckett, "You must be very cautious,

and not bring about another 'Wairau affair;' and it was clearly understood that the whole conduct of the purchase, as to taking possession of or surveying the land, was to be with Mr. Symonds, whose consent was necessary to every step taken.

I remain, &c.

Major Richmond,
&c. &c. &c.

(signed) *William Spain.*

Sir,

Wellington, 1 July 1844.

IN compliance with your request, I beg to state, that having been present at an interview between your honour and Mr. Tuckett, the agent of the New Zealand Company for New Edinburgh, I perfectly recollect your having mentioned to him that no survey whatever was to take place until the land was purchased of the natives, and that no surveying instruments were on any account to be landed, or even survey of ports to be proceeded with, unless sanctioned by Mr. Symonds, on whom every reliance could be placed.

I am, &c.

Major Richmond, Wellington.

(signed) *Thomas Wing.*

Sir,

Secretary's Office, Wellington, 1 July 1844.

IN acknowledging the receipt of your letter of the 29th ultimo, stating your reasons for again withdrawing from the duties you were charged to superintend in New Munster, I am directed by his honour the Superintendent to inform you, that, after perusing the correspondence submitted by you, he has decided that he can no longer sanction your proceeding with Mr. Tuckett in the negotiations for the purchase of the site for the proposed settlement of New Edinburgh, and has accordingly communicated with the principal agent of the New Zealand Company, who has arranged to accompany you to Otago, for the purpose of personally conducting the purchase; you will therefore have the goodness to carry out his Excellency the Governor's instructions, and co-operate with him, instead of Mr. Tuckett, the agent, with whom you have hitherto been in communication.

I have, &c.

J. J. Symonds, Esq., Police Magistrate,
&c. &c. &c.

(signed) *S. E. Grimstone,*
Secretary.

— No. 14. —

(No. 45.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

My Lord,

Auckland, 16 December 1844.

No. 14.
Governor *FitzRoy*
to Lord *Stanley*,
16 December 1844.

I BEG to be permitted to lay the enclosed letter before your Lordship, and to request that it may be transmitted to the Commissioners of Customs, for their information.

This letter is from Mr. Peter Dods Hogg, a very zealous, able and conscientious officer of Her Majesty's Customs, who acted as collector in this colony from the period of Mr. Cooper's resignation till the recent arrival of Mr. D'Arch, an interval of nearly a year. My own opinion of Mr. Hogg is so favourable, and his character stands so high in general estimation, that I feel it a duty, no less than a satisfaction, to place him thus before your Lordship and their honours the Commissioners of Her Majesty's Customs.

I have, &c.

(signed) *Robt. FitzRoy*, Governor.

Enclosure in No. 14.

Sir,

Auckland, 10 October 1844.

Encl. in No. 14.

5 per cent.

I HAVE the honour to acknowledge the receipt of your letter of 1st instant, informing me that his Excellency the Governor had been pleased to appoint me to be chief collector of revenue from that date, with an allowance of five per cent. on the amount of my collections.

I have delayed acknowledging the receipt of your letter until I should have had an opportunity of consulting with Mr. D'Arch, the collector of Customs, as to the course which it would

would be most proper for me to adopt, under the circumstance of my having held an appointment in the Customs' department under a warrant of the Lords Commissioners of Her Majesty's Treasury.

Having been favoured with Mr. D'Arch's opinion on the matter, I now do myself the honour to return to his Excellency the Governor my most grateful and respectful acknowledgements for this mark of his Excellency's confidence in me, and to assure his Excellency that I shall do my utmost to merit a continuance of the favourable consideration with which I have thus been honoured, by devoting myself assiduously to the duties of my new office.

I feel it my duty at the same time most respectfully to inform his Excellency, that having now held an office in the Customs' department for a period of five and six years, and having had no other views in coming to this colony than those of aiding in the formation of the Customs' establishment here (my now being detached from the port of Sydney, in New South Wales, having arisen from the circumstance of a special request having been made to that effect by the late Governor Hobson to Sir George Gipps, Governor New South Wales), I should be most desirous of continuing attached to that department; and that I intend to apply to the Honourable the Commissioners of Customs for such an office as their honours may deem me qualified to fill.

I have, &c.

The Honourable the Colonial Secretary,
Auckland.

(signed) *P. D. Hogg.*

Copy MINUTE of the Colonial Secretary.

14 October 1844.

SHOULD his Excellency consider it advisable to recommend Mr. Hogg to the Board of Customs, for having conducted the duties of acting collector to his satisfaction, it would promote the views of a zealous officer in the department he belongs to, and desires to continue in.

(signed) *A. S.*

— No. 15. —

(No. 46.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

My Lord,

Auckland, 18 December 1844.

I HAVE the honour of forwarding to your Lordship the copies of letters and reports herein enumerated, some of which have been transmitted previously (those dated 1843), but may be useful for reference while considering the general condition and disposition of the aborigines of New Zealand.

No. 15.
Governor *FitzRoy*
to Lord *Stanley*,
18 Dec. 1844.

G.

I have, &c.

(signed) *Robt. FitzRoy, Governor.*

LIST of DOCUMENTS transmitted herewith.

- Encl. 1. Dated 10 February 1843, from Mr. Commissioner Godfrey to the Colonial Secretary.
- Encl. 2. Dated 23 February 1843, from Mr. Clarke, the Chief Protector of Aborigines, to the Colonial Secretary.
- Encl. 3. Dated 30 December 1843, from Mr. Clarke, jun., to the Chief Protector of Aborigines.
- Encl. 4. Dated 31 July 1844, from the Chief Protector of Aborigines to Colonial Secretary.
- Encl. 5. Dated 12 August 1844, from the Chief Protector of Aborigines to Colonial Secretary.
- Encl. 6. Dated 15 August 1844, from the Chief Protector of Aborigines to Colonial Secretary.

Enclosure 1, in No. 15.

Sir,

Monganui, 10 February 1843.

REFERRING to my letter of the 15th ultimo, upon the subject of the disputed native titles, which prevented my completing the investigations of the claims to land at Monganui, I have the honour to acquaint you, for the information of his Excellency the Officer administering the Government, that I hoped to have brought Nopera to more reasonable terms in

Encl. 1, in No. 15.

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in the affair, by obtaining from him an admission of the sales understood to have been made by him and Pororua to the Government, of these identical lands in 1840; but there appears to have been so strange a misunderstanding altogether with respect to this purchase, that its assertion was of no benefit to me in the dispute; for Pororua had previously sold nearly every foot of land at Monganui to individual Europeans; and Nopera most stoutly denies that he ever parted with his interest in them for the paltry consideration given to him.

I then proposed that the question of original title should be set at rest, by Pororua's party sanctioning the disposal already made of the lands upon the east side of the harbour and river, and Nopera's doing the same for those upon the west bank.

To this arrangement, after much hesitation, Pororua's party consented; but Nopera (at the instigation of his chiefs, I believe), objected to it, and he continued in this obstinate mood, rejecting all attempts at accommodation; insisting vehemently upon his absolute right and title to the whole of the purchased lands. In this temper he quitted Monganui.

Immediately after my arrival at Kaitaia, all Nopera's tribes assembled there in considerable numbers, and in a public conference, many violent and seditious speeches were made by Nopera and other chiefs. In these harangues they declared—

1. That the sales of land around Kaitai, already made by Nopera and his party, to individuals, should be acknowledged; but that any surplus lands, i. e. those the Government does not grant to the claimants, will be resumed by the chiefs who sold them.

2. That they will sell no more land, either to individuals or to Government.

3. That the chiefs will exercise all their ancient rights and authority, of every description, as heretofore; and will not, in future, allow of any claims or interference on the part of the Government.

4. That they are all, except Nopera, very unwilling to arrange the dispute about the lands at Monganui.

5. That they (Morengo and his party) object to give the promised compensation for having stripped the vessel at Waro. One old man declaring, that they would be on the lookout for, and take advantage of every similar godsend.

6. That they all demur to any purchase of land which may have been made by the Government from Nopera in 1840; though they would not object to give some other compensation for any monies then given to him by the Government.

These and many other violent expressions seemed to proceed partly from a feeling, that not being allowed to dispose of their lands to whomsoever they pleased, as formerly, is an interference by the Government with a right they are not quite convinced they surrendered to the Crown. But in my humble opinion, there are other causes of regret and discontent which we were unable to discover.

During the stay of Nopera and his tribes at Kaitaia, Mr. Kemp and I used our utmost endeavours every day to correct and remove the erroneous impressions they have imbibed respecting the Government, but without much success; however, I obtained their recognition of every claim in the district, from the North Cape to Monganui (although the chiefs vowed they will not again submit to similar investigations), and after very much debate, these tribes (Nopera's) at last consented to the arrangement. I had suggested to Nopera at Monganui, to determine his dispute with Pororua, as above-mentioned; proposals to this effect were instantly despatched to Pororua's party, but it was their turn now to be litigious, and the offers were immediately and indignantly refused by them, and a declaration made that they would come to no compromise in the matter.

This change in their sentiments may have arisen from Pororua's having received offers of assistance from the Nga Puhis of the Bay of Islands, three large canoes, with several chiefs from that place, having visited him immediately upon their hearing of Nopera's pretensions.

Upon my return to Monganui a few days ago, I found these parties continue as pugnacious as ever, with the exception of Nga Takimaona, who withdrew the opposition he had presented to Mr. Taylor's claim in Nopera's district, having convinced him that the lands of his family still remain unsold and unclaimed.

It is quite certain that I can do no more in this affair; but I think it would be very advisable that Mr. Clarke the Protector of Aborigines, who purchased the lands from these tribes, and made other arrangements with them in 1840, should, as soon as possible, attempt their reconciliation, or at least the amicable and final adjustment of the points in dispute at this moment; and from the circumstance of Mr. Clarke having been the party engaged in all the above transactions, I thought it proper to promise the natives that he will convey to them the pleasure of His Excellency the Officer administering the Government, touching all these differences and dissensions.

I have, &c.

The Honourable the Colonial Secretary.

(signed) *Edward Lee Godfrey,*
Commissioner.

Enclosure

Enclosure 2, in No. 15.

Sir,

Protector's Office, Auckland, 23 February 1843.

HEARING through the medium of the public prints that the natives had collected in a body at Mongonui to oppose the proceedings of the Commissioner's court, I wrote to the protector of the district on the 11th instant, requesting him to furnish me with the truth of the rumour alluded to, and I have now the honour to enclose a copy of that gentleman's report for the information of his Excellency the Officer administering the Government. Encl. 2, in No. 15.

10 Feb. 1843.

I have, &c.

(signed) *George Clarke,*
Chief Protector, Aborigines.

The Honourable the Colonial Secretary.

Sir,

Kaitaia, 10 February 1843.

I HAVE the honour to report * * * * * that on the arrival of the Commissioner at Mongonui, Nopera Panakareao, together with a large party of his tribe from the vicinity of Kaitaia had assembled there to oppose "in toto" the claims of Pororua, the latter being the chief from whom the settlers derive the purchases.

For the purpose of facilitating the investigations, and if possible to effect a reconciliation with the chiefs of the contending tribes, we proposed that they should compromise the question by a reciprocal settlement of the claims on either side of the harbour. To this proposition Nopera (in a great measure influenced by his colleagues), did not accede, still maintaining his right to the whole of the land, in consequence of which, and to prevent any hostilities between them, the Commissioner has been compelled to put a stop to the inquiry into any purchases made in that district.

I enclose herewith extracts of the depositions of the respective chiefs taken by me before the court.

Nopera has expressed himself dissatisfied with the purchases effected by the Government in Mongonui, stating that he does not consider the small sum paid to him a sufficient equivalent for the land he proposed to alienate, and has suggested his giving compensation in some other way.

At Kaitaia, many of the chiefs with their tribes collected together; we had several interviews with the chiefs, who then agreed to accept the proposal made to them at Mongonui; on their acquiescence being conveyed to Pororua, he peremptorily refused to comply with the arrangement, and continues now to support his right to the lands he has sold.

The Kaitaia chiefs made several violent speeches, the substance of which is as follows:

1. That they object to the Government assuming any authority over their possessions.
2. That any surplus lands remaining (after the surveys shall be completed of the lands they have sold to the Europeans), will be resumed by the original proprietors.
3. That Morenga and his tribe are unwilling to render any compensation for plundering the vessel at Waro.
4. That they strongly protest against any land being sold to the Government, and declare that they shall exercise their rights and privileges as heretofore.

The disaffection towards the Government apparent in the speeches alluded to arises, I think, from the right of pre-emption vested in the Crown, prohibiting them from disposing of their lands to any other persons, thus depriving them of a privilege they formerly enjoyed, and from the sales of which they derived a very considerable revenue.

I beg to assure you that I spared no exertion in promoting the interests of the Government, and with the judicious management and direction of Colonel Godfrey, we succeeded in dispersing the opposing tribes, without their perpetrating any acts of spoliation and bloodshed.

I have, &c.

(signed) *H. Tacy Kemp,*

Protector Aborigines, N. D.

G. Clarke, Esq.,
Chief Protector of Aborigines,
&c. &c. &c.

No. 1.

Nopera Panakareao states, that he opposes all the purchases of land not made from himself at Mongonui. That he had a priority of right over all the lands in the neighbourhood of Doubtless Bay, and denies the right of any other party to sell any land there without his sanction and ratification, which however had not been obtained in any case except in Captain Butler's purchase, which consequently was the only one he would allow of.

That he would not now relinquish his right over these lands, either to the settlers or to the Government, for any consideration that could be offered, but that he will maintain his right to the lands "vi et armis."

No. 2.

Warekauri, alias Pororua states, "My right to the land at Mongonui is by conquest, and possession and cultivation for many years recently. Nopera laid claim to Mongonui. The claim has been contested by us ever since the Governor's arrival."

(True copy.)

(signed) *Thomas S. Forsaith.*

REQUEST the Protector of Aborigines to proceed to Mongonui by the first opportunity, to investigate into this misunderstanding relative to the land purchased by him for the Government, direct him to take the original deed (leaving an attested copy on record), and show the chief his signature to it. From the good character I have always heard of him, I am inclined to believe that he could not have understood the nature of the document. It is hardly necessary for me to point out to Mr. Clarke the necessity for him to maintain firmly the rights of the Crown, and to point out to the natives the crime they commit by levying war in the Queen's dominions. I request that he will, at the same time, settle the payment to be made by Morengo and his party for plundering the vessel. I will send the pinnace to Kaitai or Mongonui, to convey it to the Bay of Islands, that it may be given to the person to whom the property belonged.

March 20.

(signed) *W. Shortland.*

Enclosure 3, in No. 15.

Sir,

Wellington, 30 December 1843.

Encl. 3, in No. 15.

I HAVE the honour to lay before you the following report upon the proceedings of the aborigines in this district during the last half year, and their present feelings towards the Government and the European population in these settlements.

I have already put you in possession of the circumstances connected with the melancholy catastrophe at Wairau, and the causes which led to such a fatal result, in my communications of the 29th June 1843 and 16th August 1843.

Immediately after the conflict, a report was circulated among the natives that speedy and ample revenge would be taken for the slaughter of the Europeans on that occasion, in consequence of which the whole of the natives of Cloudy Bay and its vicinity crossed the Straits, and joined Te Rauparaha at Porirua, where they have since remained, and planted their crops on sufferance from the resident tribe of that place.

After a deliberate investigation of the circumstances connected with the conflict, the different tribes in this neighbourhood seemed generally convinced that the Europeans were more to blame than the natives who were engaged in it; and having satisfied themselves of this fact, they entered into an alliance with each other, and came to the resolution, that though they would commit no act of aggression upon the white settlers, they would defend Te Rauparaha if attacked by them.

They also determined to oppose any attempts on the part of the settlers to take possession of disputed lands, believing that it was the object of the Europeans to dispossess the natives by any means in their power. Reports carelessly or maliciously circulated among them, tended to confirm them in this opinion, and to engender feelings of dissatisfaction and hostility in the minds of both races. These reports, as communicated to me by the natives, may be summed up as follows: viz. That they would be massacred indiscriminately; that the Government would observe good faith in their negotiations with them only until they could find an opportunity for revenge; that troops and vessels of war would be sent out from England to punish them; that their lands would be taken from them; that every pretext would be made use of for oppressing them; that their chiefs would be assassinated; that the Government and the settlers had offered a reward for the heads of their chiefs; and that the survey of the Wairau was recommenced.

On the other hand, it is a matter of deep regret, that attempts have been too frequently made to exasperate the settlers against the natives, by the publication of unfounded and exaggerated rumours, the apparent object of which was to extenuate the conduct of the Europeans, to throw odium on the Government, and place the misconduct of the natives in the strongest light. Under these circumstances, I was under the necessity of frequently visiting the different tribes between this place and Otaki, to ascertain the proceedings of the natives, and to endeavour to prevent any mischief on their part. Upon the arrival of the late Mr. Campbell, I accompanied the chief police magistrate to Nelson, after visiting the natives of Porirua and Waikanae, and recovering the boat belonging to the New Zealand Company, which they had taken possession of at Wairau, and which they immediately gave up to Major Richmond and Sir Everard Home. Much excitement seemed to prevail among the settlers and natives at Nelson and the vicinity, which however was considerably allayed by the visit of the North Star.

Frequent disturbances have at different times taken place in the valley of the Hutt, in consequence of the conflicting claims of the settlers and natives. I applied to Te Rauparaha on the subject, but he expressed a determination to support his claim by every means in his power.

The

The natives of Wanganui, have allowed the European settlers to take possession of some of the disputed lands in that district, under the express understanding that they shall be ultimately compensated either by the New Zealand Company or the Government.

Considerable dissatisfaction prevails amongst the natives, in consequence of their having no remedy for damages done by cattle on uninclosed cultivations.

A native named Haerewaho, the son of one of the principal chiefs of this district, was tried and convicted on a charge of felony, and was sentenced to three months' imprisonment.

The numbers of the Maori Gazette transmitted to me, have been circulated as widely as possible, and have given great satisfaction to the natives.

I have, &c.

The Chief Protector of Aborigines,
&c., &c., &c., Auckland.

(signed) *George Clarke, jun.*
Protector Aborigines.

Enclosure 4, in No. 15.

Sir,

Protector's Office, Auckland, 31 July 1844.

IN commencing my general report for the last half-year, ending 30th June, I cannot but congratulate his Excellency upon the tranquillity which, with but few trifling exceptions, has pervaded every district of the island; the success which has hitherto attended the measures adopted with the natives in reference to their lands, and the satisfactory conclusion and adjustment of the deplorable Wairau affray. Encl. 4, in No. 15.

If ever there existed any grounds of apprehension in the minds of the European settlers, any fears respecting the security of life and property, or any doubts concerning the good feeling entertained by the natives of this island towards them, the conduct of the natives generally, during the last six months, must I think, have completely removed them, and convinced every unprejudiced mind, that life and property, can in no part of the globe be more secure than in the colony of New Zealand.

Since the establishment of this colony, no period has presented difficulties equal to the last six months, and perhaps no period was ever so favourable for the prosecution of any schemes inimical to the peace and safety of the settlement, had any such been entertained.

The arrival of a new Governor would be considered a most favourable opportunity for any movement of disaffection, either by ill-disposed Europeans themselves, or by them indirectly, through the agency of natives employed as their tools, especially as many of them entertained extravagant expectations of the advantages which were to accrue from this change of administration, which feeling was shared to a very large extent by the European part of the population. The fact of the existence of this feeling in the minds of the natives, is apparent from the various addresses which have been presented by them to his Excellency, praying for an extension of their privileges, and particularly for more advantageous regulations respecting the disposal of their waste lands.

At all native meetings also, constant allusion was made to the perplexing difficulties in which the residents at the southern part of the island were involved, arising out of the claims of the New Zealand Company, and their painful position in consequence of the melancholy collision at Wairau. Amidst such a complication of pre-disposing causes of excitement and alarm, it might with some semblance of reason have been expected that something more than moral influence would be needed by his Excellency to have maintained peace, indeed, by many, physical force was considered absolutely indispensable for the maintenance of British authority; and could his Excellency have been induced to listen to such advisers, and to employ the strong arm of British power, instead of my present pleasing opportunity of congratulating him on the continuation of peace and good will, it would in all probability have been my painful duty to have recorded fresh scenes of violence and bloodshed, and to have furnished material for an additional page of aboriginal woe.

But I am happy to say, physical force has not been needed; and I am persuaded that the consequences of its employment would have been the ruin of the colony. Moral influence has alone been sufficient to preserve peace and tranquillity, and will I trust ever be found adequate to this important end, in governing this interesting people.

Whatever may have been the foreboding of the settlers respecting the conduct of the natives, they have not been realized; a more interesting exhibition of confidence and good feeling on the part of the natives could not have been given than that which was presented at the late feast. Upwards of 6,000 natives were encamped on this occasion, within two miles of Auckland, and that at a time when the excitement about their lands, and the right of disposing of them had reached its very climax.

This encampment was formed by 20 or 30 different tribes, some of whom were from the interior of the island, men who prided themselves on being perfectly independent, not having signed the treaty of Waitangi, unaccustomed to restraint, and comparatively untutored in the usages of civilized life, and now for the first time visiting the capital of the colony. They had with them upwards of 4,000 stand of arms, in the use of which they are neither deficient in prowess or skill, were well supplied with ammunition, and were also well acquainted with the comparative defenceless condition of all around; they knew the vast amount of property contained in the town; they were themselves in want of much which they had not the means to procure; there were not wanting also many just and reasonable

grounds of complaint against ourselves, but notwithstanding all these advantages, which would have rendered success morally certain had the idea of an attack been ascertained, a scene of the most gratifying description was presented; forgetting all the injuries that distrust, detraction and falsehood had heaped upon them, they were seen mingling harmoniously with our countrymen, and exhibiting the most unequivocal tokens of esteem and good-will. Ladies and gentlemen of all grades fearlessly united with these hardy warriors, and graced by their presence the festivities of the meeting. The natives with their chiefs were seen perambulating our streets, joking with our handful of soldiers, entertaining our children, or engaged in the more serious pursuit of spending their money, or exchanging their produce for articles of British manufacture.

Some of the leading and most influential chiefs met by appointment in the most quiet and orderly manner at Government-house, to beg his Excellency to use his influence in settling their disputes; and after thus spending some days in Auckland and its vicinity (with one trifling exception) they returned to their homes in the same orderly and peaceful manner, setting an example worthy of imitation by many of their more civilized neighbours. Surely, in all this we have sufficient evidence that the affections of the natives as a body are not estranged from us, and we may be certain, by justice, honesty and candour in our intercourse with them, to secure a continuance of this good understanding and happy unanimity of feeling between us.

In the district of Auckland, about which there is the greatest demand for land, the natives had been led to expect that measures would be speedily adopted which should enable them to offer their lands indiscriminately for sale; hence several memorials upon the subject were drawn up and presented to his Excellency immediately after his arrival. The proclamation of the 26th of March, which conceded the boon they were seeking, was received by them with very general satisfaction, but not being so advantageous to Europeans as was expected, some pains were taken by dissatisfied colonists to prejudice the minds of the natives against the measure, but without success; their own good sense, and the contradiction which the Europeans gave to their own assertions, by eagerly purchasing land from them according to the regulations of the proclamation, and in many instances giving them at the rate of 1 l. per acre, completely defeated the purposes of those who would willingly have taught the natives to believe that the measure was not only unjust in itself, but void of all advantage to them. Nevertheless, I still look upon this measure with considerable anxiety, and consider it merely in the light of an expedient. Natives and Europeans have both been clamorous; the one being desirous to have the privilege of disposing of their lands to whom they pleased, and the others the right of purchasing from the original owners. The inconveniences to be apprehended from the plan now adopted, are principally those which will arise from collision growing out of sales of disputed lands, as in all probability they will be the first offered; the regulations of the Government will, however, prevent the negotiation of any very extensive sale, and thereby offer a check to an evil which otherwise might lead to serious consequences.

The advantages of the measure are obvious; it gives the Europeans an opportunity of selecting land in the most favourable situations, and will tend to concentrate them around the capital. The pressing wants of the natives living at a distance from Auckland will make them eager to sell their lands, but when they find that the Government restrictions of 10 s. per acre to be paid by the purchaser to the Crown act as a bar to prevent settlers from purchasing land at such a distance from the capital, that its value for some years to come would not be equal to the outlay of capital necessary to acquire it, I am apprehensive they will be dissatisfied. It may also occur that parties will acquire and hold large tracts of land on native title only, without complying with the Government regulations, which may hereafter create some embarrassment.

Considerable jealousy exists among the different tribes residing about Auckland; those whose possessions lie somewhat remote, and who cannot, consequently, compete with their more fortunate countrymen, look with extreme jealousy upon those whose lands, being situated in the vicinity of the town, find ready purchasers for all they are disposed to sell. We have had many little disputes arising out of these jealousies to adjust between the Ngatiwatua tribe and the Waikatos, who reside upon and cultivate land at some distance from Auckland.

The advantages possessed by the Ngatiwatuas in consequence of the proximity of their lands to the capital, have raised them up many troublesome friends, who put in joint claims, thereby causing no little annoyance. Indeed the native tribes watch and guard against any encroachment upon their respective territories, either from friends or foes, with as much vigilance and anxiety as any independent civilized state; these feelings are carried to such a height, that they almost constantly distrust each other's movements, and can hardly give each other credit for pacific intentions when a meeting between two opposite parties takes place; and while each endeavours to engross to themselves the advantages to be derived from their own fortuitous position, either as it respects the quality or situation of their land, or their more immediate connexion with the seat of Government, they eagerly strive to defeat any undue attempts of the other to participate in the privileges they possess.

Owing to these causes existing rumours are constantly afloat, and letters contradictory in their statements are frequently received by the Government, dictated as the clashing interests of the writers may suggest; and it requires no little prudence, and a great deal of patience, to investigate and arrange these matters, which, however, is generally satisfactorily accomplished, as the Government are usually made arbiters in every dispute.

Taking into consideration all these conflicting circumstances, I cannot but again express my

my satisfaction that our moral influence alone has been sufficient to preserve public tranquillity, especially when we bear in mind the disaffection of many of our countrymen to the measures of Government, and the attempts which in some instances have been made to instil the same sentiments into the minds of the natives, particularly with regard to the proposed tax on land. Great pains were taken to inform the natives that 7,000*l.* was to be levied by a tax upon their lands, that it would not only impoverish the Europeans, but prevent them from becoming purchasers of such land as the natives might have permission and be willing to sell.

With the exception of a trifling affair which took place during his Excellency's absence at Port Nicholson, all has been tranquil at Auckland, and even in the case alluded to, the details of which I shall take this opportunity of repeating, it was clearly shown, that the native character is far more easily subjected to the control of a moral influence than to physical power.

A cloth cap, the property of one of the merchants of the place, was alleged to have been stolen by a native of some rank, belonging to the Ngatiwatua tribe; when detected, the culprit, rather than suffer the shame and degradation of imprisonment, offered very ample compensation; but the prosecutor seemed determined to punish the offender according to the strict letter of the law, even at the hazard of the peace of the community; the young man was examined, and committed by the magistrate to take his trial at the county court; he was, however, admitted to bail, two elder chiefs entering into recognizances for his appearance. He was duly brought before the court on the appointed day of trial; the natives thinking that an English jury would take the same view of the case as themselves, and dismiss him with a slight punishment, as compensation had been offered, but refused by the prosecutor. He was, however, found guilty, and sentenced to three months' imprisonment. The natives, disgusted with the issue of the trial, did, under the influence of momentary excitement, which for a time hurried them away from the consideration of all that was right and proper, rescue the prisoner, and conveyed him to their settlement.

For some time after, a scene was exhibited equally discreditable to the Europeans as to the natives, and likely to be far more serious in its consequences than the hasty inconsiderate act of the natives. The unthinking portion of the public seemed bent upon revenge, and determined to have satisfaction for what was termed a public insult and act of defiance, even at the risk of bringing on a general collision. The natives, however, after the ebullition of the moment, were sensible that they had acted improperly in rescuing the prisoner, and thereupon voluntarily did that which could hardly have been effected by force.

They called a meeting among themselves, and came to the resolution of restoring the young man, who was perfectly willing to accompany his relatives, and determined to bear the degradation of three months' imprisonment, rather than expose his family and tribe to the consequences of their rash conduct.

On the return of his Excellency from Port Nicholson, an apology was made by the principal men for their conduct; and thus ended an affair which, but for the good sense of the natives themselves, might have led to a result highly detrimental to the interests of the colony. With this exception, the conduct of the many thousands who have visited Auckland during the last six months has been exemplary, and the quantity of produce which they have brought into the market has so completely kept down exorbitant prices, that, generally speaking, pigs and potatoes have been procured at as low a rate as they were 16 years ago. This circumstance, though highly advantageous to the Europeans, has been felt otherwise by the natives, who, being unable heretofore to dispose of their lands, have complained, that in consequence of this reduction in the price of their produce, they cannot procure clothing to the extent they have been accustomed during the last two years.

Nevertheless, as they possess great natural genius for trade, I hope that it will be the means of inducing them to look about for some other marketable production,—flax, for instance, by the culture and preparation of which every want might be supplied; only assure them of a steady market for their produce, and I am sure their industrious habits will be developed to the general prosperity of the colony.

The eastern district, or Bay of Plenty, has been without a Protector five out of the six months, owing to Mr. Shortland's services having been required with Mr. Commissioner Godfrey in the Southern Island. I have, however, received several letters from the chiefs residing there, of a very satisfactory nature, assuring me of their continued good feeling towards Her Majesty's Government, and their desire to live peaceably, not only with the Europeans, but with the neighbouring tribes, with whom they have been at variance for many years. Several of the principal men of this district recently visited Auckland, and expressed their gratification at the very kind reception they met with from his Excellency the Governor; they complained sadly of the advantage taken of them by some Europeans, of whom they had agreed to purchase a small vessel; they had partly paid for her, but were not in circumstances to complete their bargain; in the mean time the Europeans are sailing the craft for their own benefit, and the chiefs reasonably allege that she will be worn out before they can obtain possession.

I instructed the Protector to inquire into and adjust this matter for them, with which arrangement they seemed perfectly satisfied.

Several small craft have been purchased by chiefs in this district, in order to enable them to bring their produce to the Auckland market, but I am sorry to say, that in several instances advantage has been taken of their ignorance, by disreputable Europeans, who have been parties to these transactions.

The northern district continues quiet; the peace between the Karawa and Ngapuhi tribes

has been confirmed by the different chiefs of each side. Many occurrences, however, have taken place, having a tendency to interrupt this harmony; but by the timely interposition of the elder chiefs, mischief has been prevented. The occurrences alluded to have been chiefly misunderstandings amongst themselves, wherein violent assaults have been committed upon each other, and which have been settled in their own way by compensation.

The great subject of complaint in this district, is their inability to procure European clothing, and other manufactured articles, which they require; their resources arising from land sales have entirely ceased, the timber trade has also failed; from which causes great poverty and destitution prevail. In those early settlements some of the chiefs who once made a respectable appearance, and had wealth at command, have fallen back to the use of the blanket and the mat. Advantage has been taken of these circumstances by ill-disposed men, who have taken occasion therefrom to prejudice the Government in the eyes of the natives insinuating that it was otherwise with them prior to the establishment of the Government, and directing them to compare their present circumstances with what they were four years ago. Such misrepresentations of the effect of a regular Government, make a deep impression on the native mind, and it requires constant vigilance on our part to detect and expose those injurious and false insinuations.

I have received communications from some of the chiefs of the most northern tribes on these subjects, to whom I have replied, holding out encouragement to them to grow wheat and dress flax, having large tracts of land suitable for the cultivation of grain, and their marshy grounds abounding with the latter invaluable commodity.

A certain market for these productions would not only act as a stimulant to their enterprise and industry, but would also tend more than any other means to promote the peace of all the districts. The want of some suitable object on which to employ their time and talents, beyond the mere production of the food necessary for their subsistence, is severely felt. There are four months in the year when they have little or nothing to do, and it is a well-known fact that more disputes arise amongst themselves, and they are more troublesome to Europeans, during this idle time than during the eight months when they are more regularly occupied.

It was remarked by many of the natives at the late feast, that one of the principal inducements to their undertaking a journey of upwards of 100 miles, was the fact of their having nothing else to do, and that, separated from their desire to see his Excellency and the town of Auckland, the feast itself would not have offered sufficient attraction to bring them from their homes.

The New Plymouth or Taranaki district has been a good deal agitated in consequence of the disputed title of the New Zealand Company. In several instances settlers have been located upon spots cultivated by the natives, upon the plea that the Company had purchased these places; to avenge these insults, the natives have commenced clearing and cutting down timber upon other sections claimed by Europeans, with which in all probability they would not have interfered had they not been so greatly exasperated by the unjust occupation of their original cultivations. Both parties have been a good deal annoyed, and I am afraid that a strong feeling of dislike is growing up between the two races.

It would tend much to preserve the peace and harmony of the settlement, if a judicious officer, acquainted with their language, and able to explain these circumstances to the natives, which otherwise are apt to grow up into serious disagreements, were permanently resident there. I have been in constant communication with some of the principal men, and have promised to send them a protector; which promise I hope soon to redeem, Mr. McLean, a gentleman in my office, being under preparation to fill that important place.

Most of the natives at present residing at Taranaki are emancipated slaves, who when the doctrines of Christianity began to influence the conduct of their captors, were allowed to return to their homes and re-assume their possessions; owing to this circumstance, many of their countrymen have looked upon them as contemptible, and treated them disrespectfully. The interested among our own countrymen, also, taking a similar view of their position, have represented them as having no claim to the soil. The effect of all this has been, as might be expected, a most determined stand on the part of these despised people against the assumptions of their detractors; and it has even led them in some instances, as a means of wiping out the stain upon their honour, to defy their conquerors, who, but for the growing influence of Christian principles, would probably have taken advantage of this, and by re-capturing them, have thereby secured so many advantages as the possession of the Taranaki district held out for themselves; but an accurate and faithful report upon the state of this district can only be rendered after an intimate knowledge of their condition is acquired by residence amongst its inhabitants.

The southern district, although at present tranquil, is a source of constant solicitude to my mind, so many circumstances constantly occurring having a tendency to disturb the present peaceable state of things; for although a decided improvement has taken place with reference to the Company's claims, and consequently in the position of those who derive their titles from them in the district of Port Nicholson, yet there is still a very bitter feeling existing in the minds of the settlers, generally, towards the natives.

The late Wairau affray still rankles in the minds of a large portion of the European population, many of whom breathe nothing but a desire of revenge; hence every trifling occurrence calculated in the least degree to prejudice the natives is apt to be magnified.

The commercial difficulties of the settlement, instead of being attributed to the real source from whence they arise, namely, the vague and indefinite manner in which the Company obtained the land, which they sold to others, and the consequent invalidity of the titles they gave

gave to purchasers, are commonly charged upon the natives, because, forsooth, they will not allow either the claims of the Company to their lands, which were not equitably acquired, or permit the settlers to locate themselves upon them.

Some of these difficulties are now removed, and I am therefore inclined to indulge a hope that a more kindly feeling between the two races will begin to prevail; at least, I am certain that the conduct of the Europeans alone will prevent it. I am alluding now more particularly to the Port Nicholson district, to the surveyed and sold lands, on which the Company's claims are settled, and their title rendered indisputable, excepting only a portion of the Hutt, which, however, I am led to believe will ultimately be conceded to them.

The Governor's late visit was attended with the most beneficial results, and I trust the system of compensation commenced under his auspices, notwithstanding the difficulties connected with it, will eventually prove the means of introducing and confirming a healthy and prosperous state of things, especially cordiality and good-will between Europeans and natives, which has hitherto been almost unknown in the southern settlements of the colony. It will be needless for me to enter into a particular account of the progress made in settling the disputed claims of the Company with the natives, these subjects having been fully brought before you in the reports of Mr. Forsaith, forwarded by me on the 23d of March.

With reference to the reserves in this district, very little has been accomplished, most of them being in positions disadvantageous for the realization of funds, by letting them out on lease; and the few that are better situated are claimed and used by the natives themselves. The Protector of the district states, that all the reserves which are available for the purposes of native cultivation will be required by them, in order to raise food for their own subsistence.

The medical services rendered by Dr. FitzGerald to the natives of this district have been most valuable, producing the most salutary effects, and in most instances attended by complete success; medical aid of this kind is much needed in every district, especially in the vicinity of very large settlements, to preserve the natives from the destructive effects of European diseases.

The Nelson district has not been visited by the Protector of the southern district, owing to his many onerous duties at Port Nicholson. As the settlement of Nelson progresses, it will be desirable to have a Protector stationed there, as there will surely be a population of natives wherever a European settlement is formed; such is their predilection for trade, that they will put up with many inconveniences rather than deprive themselves of the advantages to be derived by traffic with the settlers.

Mr. Protector Shortland's account of his visit to the Southern Island, forwarded by me on the 14th May, will put his Excellency in possession of many interesting facts relative to this island, of which so little comparatively is known. The natives appear to be few in numbers compared with the vast extent of country which they claim, but nothing certain or satisfactory on this point can be known until the South-west coasts, and many parts of the interior, where bodies of natives are said to be located, are visited and explored. Notwithstanding, however, the supposed paucity of inhabitants, it is pretty certain that the whole island is portioned out amongst them, and the boundaries of the respective tribes' possessions accurately known.

With regard to the increase or decrease of the population of the colony generally, it is the opinion of the Protectors and of the missionaries, that it is about stationary, or rather on the increase at the christian settlements in the interior, while in certain localities, especially at Port Nicholson, there is a rapid decrease in the numbers of the natives. During the last six months there has been no epidemic disorder, such as we have heretofore frequently witnessed. Pulmonary complaints are, however, still very common, and numbers are carried off by them. There is but little attention paid to the first stage of these complaints; the natives cannot be induced to remain quiet in their houses, and take a more than ordinary care of themselves in consequence of having caught a little cold; hence the foundation of fatal disease is frequently laid by want of precaution, in warding off the effects of incipient inflammation.

I notice but little improvement in the style of their buildings; the "Raupo" rush is still the material of which the generality of their huts are constructed; and could we but induce them to build them higher, and of a more convenient size, with the addition of doors, chimney and windows, I should much prefer the Raupo, as warmer and more comfortable for the natives, than would be the case if they were to adopt the use of boards.

Tobacco is still a favourite luxury, used by men, women and children to an excessive degree. Some attempts have been made to discountenance this practice, but without success.

The use of ardent spirits is still, I am happy to say, not prevalent among them; indeed, as a people, they generally dislike them; the few exceptions being those who have lived constantly in the vicinity of the English settlements, connecting themselves with sawyers, boatmen and others, who have taught them by example to acquire a taste for these pernicious drinks.

Taking into consideration the attempts which have been made by many of our ill-advised and inconsiderate countrymen, to prejudice the minds of the natives against Her Majesty's Government, by taking advantage of passing events, misrepresenting and distorting them to suit their purpose, and the strenuous efforts made by others, supported by some of the journals of the day, to foster and encourage a feeling of hatred and distrust in the minds of the settlers towards the natives, magnifying what would more be properly designated a school-boy freak into a horrid outrage.

I think it matter of great satisfaction that the confidence of the natives in the just and benevolent

benevolent intentions of Her Majesty's Government is not shaken, and it is a theme for wonder, as well as a cause for thankfulness, that their general dispositions towards the settlers are unchanged, being still marked by kindness and forbearance; and I am confident that a kind conciliatory conduct on the part of the Europeans towards them will secure the continuation, not only of peace, but harmony and good-will, throughout the colony.

Before I conclude, I would add one remark upon a subject of great importance, which has already been brought under the notice of the Government: I allude to the inapplicability of the English law to the present condition of the natives. While the tardy operation of British law is inapplicable to them in cases where they are the plaintiffs seeking redress, it is also quite unsuitable to them when they appear as offenders, especially in serious cases, when not only justice, but the general benefit of the natives, require an example to be made; and this unsuitability must continue until we can bring them gradually to receive an officer of justice in his proper character, and treat the summons of a judicial tribunal with that respect and deference, of which at present they have no idea; hence it would be highly calculated, not only to meet the difficulty, but to exercise a salutary influence on the minds of the natives generally, and would, moreover, be quite in accordance with their notions of propriety, if such cases were treated in a summary way, a demonstration of force being made to support the civil officer in the discharge of his duty, as it must, from the nature of things, be a long time ere the natives yield to the duty of quiet submission to a mere constabulary force.

The very judicious and philanthropic measure which has recently been under the consideration and passed the Legislative Council, entitled, "A Bill to exempt, in certain cases, the Aboriginal Population of the Colony from the ordinary process of the Law," is, in my opinion, admirably adapted to meet these difficulties, and will prove in its working satisfactory to both natives and Europeans.

I have, &c.

(signed) *George Clarke,*
Chief Protector of Aborigines.

The Honourable the Colonial Secretary.

Enclosure 5, in No. 15.

Sir,

Protector's Office, Auckland, 12 August 1844.

Encl. 5, in No. 15.

REFERRING to my letter of the 27th ult. enclosing Mr. Protector Shortland's report of his success in negotiating the question of compensation to be given to the Europeans whom the Ngatihaua robbed on their return from the feast, I have now the honour to submit a copy of a subsequent communication from Mr. Shortland, together with a letter from William Thompson, the chief who has exerted himself to procure the restoration of most of the articles stolen.

The parties who principally suffered at the hands of the natives, were, I believe, Messrs. Rich, Smales and Anderson, of Papakura, to whom I will take the earliest opportunity of communicating the fact that the goods have been returned in the "Victoria," in order that they may come and claim the property respectively belonging to them.

I have, &c.

(signed) *George Clarke,*
Chief Protector of Aborigines.

The Honourable Colonial Secretary.

Sir,

Tauranga, 2 August 1844.

Vide accompanying List.

I HAVE the honour to enclose a letter from William Thompson, from which you will learn that he has succeeded in recovering a part of the property stolen at Auckland, by Ngatihaua and Ngatikaroki, which I have placed in care of Captain Richards, to be delivered to you.

Three pigs have also been given as a payment for the assault; but, owing to the heavy rains, could not be driven across the swamp, on which account I am unable to send them by the "Victoria." As the natives have no means of conveying them to Auckland, I have desired William to keep them at his settlement till some opportunity occurs of sending the pinnace as far as Opita.

I have already visited Maketu and Rotorua; but being unable to stay but a short time at those places, I promised to return, which I have not been able to do as yet, as Commissioner Godfrey feared to allow me to be absent from Tauranga.

On Monday I proceed to Maketu and Rotorua, and thence to Auckland through Waikato.

I have, &c.

(signed) *Edward Shortland, P.A.*

LIST

List referred to.

Package, No. 1.

One native mat, two bed-coverings, one shawl, two children's blankets, one hand-bill, two remains of trowsers, rags, one snaffle bridle, bit and reins, one snaffle bridle without reins.

No. 2.

One cloak, one table-cloth, one shawl, four gowns, several shirts and gowns, dirty, torn and in rags.

No. 3.

One spade, two spades broken.

(True copy.)

(signed) Thomas S. Forsaith.

TRANSLATION of Thompson's Letter.

Sir,

GOVERNOR FITZROY, I salute you, my friend. Friend, I have received your letter, and my heart is very dark concerning the robbery committed by my people; darker than the darkness of a gloomy night without stars is the gloominess of my heart, on account of the conduct of these disreputable fellows.

Sir, this is not the first time they have acted in this manner; they have borne this character of old; Mr. —, a European belonging to my father, was plundered by these people, and only saved at the intercession of my father. Mr. Brown, also, whose goods were returned by me and they will not desist from such practices. Witness the present act of plunder of the Europeans by the same people.

Friend, great is the sorrow of my heart; I cannot describe the load of shame I feel on account of this plunder; but you must not suppose that this sort of conduct is a new thing. No, it is of old; like my own dispositions for mischief formerly, it was so with me, but not under the influence of Christianity, but when following our old customs. I inherited a mischievous disposition from my forefathers, descending downwards to my father, and from him to me; but when Christianity came, I was taught to be kind, and to protect my fellow-creatures, which I continue to do to this day.

Now, I have collected the property plundered, as well as that stolen in the town or in the bush, which I send by the "Victoria." Three pigs are in payment for the assault committed on the European; three pigs, which are left behind, because we could not drive them, on account of water in the swamps, which was the reason they were not sent.

You had better send the pinnace for them. This is all I have to say. I and Mr. Shortland will visit you.

(signed) William Thompson.

Sir,

Protector's Office, Auckland, 27 July 1844.

I HAVE the honour to forward, for the information of his Excellency the Governor, the enclosed copy of Mr. Protector Shortland's report of his success in negotiating the question of compensation to be made by Ngatihaua to the Europeans whom they robbed on their way home from the late feast.

Also the copy of Mr. Shortland's letter, enclosing an account of his travelling expenses to the 30th ultimo, amounting to twenty-seven pounds seven shillings and sixpence, for approval.

27 l. 7 s. 6 d.

I have, &c.

(signed) George Clarke,
Chief Protector of Aborigines.

The Honourable the Colonial Secretary.

Sir,

Tauranga, 2 July 1844.

IN reply to your letter of the 4th ultimo, which did not reach Coromandel Harbour till a few days before Commissioner Godfrey closed his court at that place, I have the honour to inform you that on reaching Matamata I found that William Tarapipipi had already made great exertions to recover the property stolen by Ngatihaua near Auckland.

On the receipt of your letter the principal chiefs assembled, and an inquiry was made as to the amount of property stolen, and the cause of the theft; the latter proved to be the act of a few young men, who were dissatisfied as to the distribution of the tobacco given by his Excellency for the land at Waikato.

You are aware that it is a recognized native usage, when wrong is sustained from relatives, for the party injured to commit some act which will bring an evil jointly on those relatives with themselves.

In this instance the chief, Poukawa, appropriated to himself the cask of tobacco, a part of which was intended for Ngatihaua; some of whom finding the cask broken lying by the road side, concluded that its contents had been shared.

Pohipohi and other principal chiefs having gone on before, the young men readily agreed to rob the Europeans in the neighbourhood (hei whakahi i a paukawa ma) to show their displeasure.

On their return to Matamata, Tarapipipi (William Thompson) ordered a red table-cloth, part of the property stolen, to be raised on a long pole, declaring that it should remain there till all the property of the Europeans was deposited at its base. At the same time, the chiefs determined to banish the guilty persons, and to make compensation for the assault on the Europeans, either in land or pigs.

It was left to me to decide this point, and, as directed by your letter, I proposed the latter, which it was agreed to send to Auckland by the "Victoria," on her reaching Tauranga.

I did not think it advisable to determine the amount of compensation, as they seemed disposed to act liberally, and as I conceived that the point you would be most anxious to accomplish would be the acknowledgment of the principle of compensation in similar cases.

William Tarapipipi will accompany me in the "Victoria," to be the bearer of the compensation, and to have an interview with his Excellency on the subject.

The intimation that his Excellency would not proceed further with the purchase of the land at Matamata till this affair had been settled had, I believe, a powerful effect on many who might not otherwise have been disposed to exert themselves in an affair in which they were not personally interested.

G. Clarke, Esq.
Chief Protector of Aborigines.

I have, &c.
(signed) Edward Shortland, P. A.

(True copy.)
(signed) Thomas S. Forsaith.

Sir,

Tauranga, 3 July 1844.

I HAVE the honour to enclose the account of my allowance for travelling expenses for the quarter of this year ending 30th of June.

My letter dated 10th April will explain the nature of service performed up to that date. My subsequent proceedings in Waikato, up to the 2d of May, the date of my return to Auckland, I had the honour to report personally to yourself.

For explanation of services performed during the latter part of the month of June, I have the honour to refer you to my letters, dated 12th, 13th and 14th of June, and to my letter of the 2d instant.

G. Clarke, Esq.
Chief Protector of Aborigines.

I have, &c.
(signed) Edward Shortland, P. A.

(True copy.)
(signed) Thomas S. Forsaith.

Enclosure 6, in No. 15.

Sir,

Protector's-office, Auckland, 15 August 1844.

Encl. 6, in No. 15.

I DO myself the honour to forward for the information of his Excellency the Governor, the enclosed copy of Mr. Protector Clarke's, junior, report, relative to the conclusion of the investigation of the New Zealand Company's claims.

I have, &c.

The Honourable the Colonial Secretary.

For the Chief Protector of Aborigines,
(signed) Thomas S. Forsaith.

Sir,

Wellington, 29 June 1844.

THE investigation of the New Zealand Company's claims to land at and in the neighbourhood of their different settlements in New Ulster being concluded, I feel it my duty to lay before you for your consideration and information, the following report of my proceedings on behalf of the aborigines, as well as the circumstances and state of feeling arising out of the formal inquiries instituted by Mr. Commissioner Spain. I beg leave to enclose copies of my official correspondence with the principal agent of the New Zealand Company relative to the question.

On the arrival of his Excellency the Governor at Wellington, last January, I was directed by him to resume my negotiations with Colonel Wakefield, which had been for some time suspended, and we finally concurred in awarding the sum of 1,500*l.* to the natives, as compensation

Enclosure (A.) No.
1 to 15.
Enclosure (B.) No.
1 and 2.

spensation for their unsatisfied claims in the surveyed district of Port Nicholson and the vicinity. Having previously obtained the general consent of the natives to accept of a fair award, I based my estimate of it upon what I deemed to have been the marketable value of the land at the time when Colonel Wakefield commenced to treat about the sale of it, modified by the consideration some of them had already received, for dividing the sum I have named. I carefully considered the situation, quality and extent of the land claimed by each tribe, as well as the comparative strength of the claims they respectively advanced. From their peculiar circumstances I felt myself bound in justice to concede a more considerable proportion to some than to others, according to their respective merits, which, added to the influence and misrepresentations of some of the lower class of settlers, naturally gave rise to much jealousy and temporary dissatisfaction among them. Many other difficulties occurred from the opposition or quarrels of individual claimants, which tended for a time to embarrass the settlement of the question, but notwithstanding the many obstacles we have had to encounter, I feel pleasure in being enabled to inform you that we have completed our negotiations with the majority of the claimants in a manner, I believe, satisfactory to all parties. From the enclosed copy of a schedule which accompanied my letter to Colonel Wakefield of the 16th April, you will observe that there still remain to be compensated in the Port Nicholson case, the natives of Ngauranga, Pitoone, Oharui and the Hutt; the two former are of minor importance, their principal chiefs having been the most active in treating with Colonel Wakefield in 1839. In consequence of the majority of the Oharui natives having been for some months absent on visits to the tribes on both shores of Cook's Straits, we had no opportunity of negotiating with them.

The right to occupy and cultivate the Hutt has been for some years disputed between the Port Nicholson branch of the Ngatiawa tribe, and the Ngatirangatahi, under Te Rauparaha and Rangihaeata; a small number of the latter occupied part of the district about two years after the arrival of the New Zealand Company's preliminary expedition, and afterwards at the instigation of Rangihaeata. "Taringa Kuri," a chief of Kaiwarawara, located himself on a section which was to some extent previously occupied by Mr. Swainson. On inquiry into the case, "Taringa Kuri" informed me that his reasons for establishing himself on the Hutt were the insufficiency and comparative inferiority of the native reserves, and the destruction of his crops near Kaiwarawara, by cattle belonging to the settlers. He acknowledged that he had no right himself to any portion of the district except through Rauparaha and Rangihaeata, I therefore awarded to the latter, as compensation (300*L.*) three hundred pounds, to the best of my judgment, a full and ample remuneration for their claims.

I subsequently accompanied Mr. Spain to Porirua, and offered them the proposed sum, but after conferring with them for two days they declined to accept of it, urging as their principal reasons the inadequacy of the payment, and my confounding the Hutt with what they termed the District of Port Nicholson. I felt very much surprised and disappointed at first, because I knew they had come to Porirua with the full intention of compromising their claims, but I subsequently ascertained that they were persuaded by the representations of Taringa Kuri, and several Europeans, that their claims far exceeded the proposed sum in value; that the profits realized by an ordinary whaling station were much more considerable almost every season; that in the hands of a European their land on the Hutt would sell for from 10,000*L.* to 100,000*L.*, and that I had offered them much less than what some of the inferior chieftains of Port Nicholson had already received. I endeavoured unsuccessfully to procure the names of the parties who so influenced them. The natives merely told me in general terms that they were "whalers and people from Wellington."

In consequence of an intimation I received from Mr. Spain on the 18th of April, that he was about to proceed along the western coast to New Plymouth, for the purpose of completing the formal investigation of the several claims advanced by the New Zealand Company to the blocks they had selected at Manawatu, Wanganui and Taranaki; and of making our final arrangements for remunerating those natives who had not been parties to the different purchases under which these blocks were claimed. I accompanied him and Colonel Wakefield, and arrived at Otaki on Monday the 22d; while there I took the opportunity of again discussing the question of the Hutt with Te Rauparaha. He expressed his regret that he had allowed himself to be led into error by the violence of Rangihaeata, and the misrepresentations of Taringa Kuri, and promised that he would exert himself to induce Rangihaeata to settle the claims according to the proposed arrangements. Since my return to Wellington, I have learned that he has attempted several times to bring about this result, so that I entertain great hopes of Rangihaeata eventually acceding to our wishes, and so setting at rest this important branch of the question.

Previous to our leaving Otaki, it was publicly notified to the natives, that the Commissioner was about to hold his court at Manawatu; immediately after our arrival at that place, I communicated with Taikaparua, and the principal parties who denied the sale of their land to the New Zealand Company on the subject of compensation, but after a lengthened conference they positively refused to accept of any remuneration, or allow the settlers to take possession of land which they declared they had never sold to Europeans. Mr. Spain in closing his court there, expressed to them his intention of recommending a Crown grant in favour of the Company, excepting their pab's cultivations, burying-grounds, and native reserves.

The Otaki natives, comprehending the Ngatiraukawa, Patukohuru, Ngatiparewahawaha and other tribes, lay claim to the country situated between the Otaki and Rangitikei rivers by right of conquest, having expelled or reduced to slavery the people who were the original possessors. Their most extensive cultivations are on the banks of the Manawata, at which

place the majority usually reside. The following is a summary of the statements advanced by them in opposition to the claim of the Company.

At a general meeting of the chiefs at Otaki, it was resolved by the majority, particularly the Ngatiparewahawatu tribe under Te Watanui, to invite Colonel Wakefield to purchase the Manawatu. For this purpose a deputation was sent to Port Nicholson, and Captain Smith, the late principal surveyor of the Company, was the agent employed to conduct the purchase. After the preliminary arrangements, a certain quantity of goods were landed at the mouth of the river; the natives expressed their dissatisfaction at the amount, and sent for more, naming the articles they wanted. Their requisition was complied with, and the second quantity arrived; but, without giving the other parties time to assemble, one of the chiefs of the Ngatiparewahawatu, named Taratoa, pillaged the goods, and distributed almost the whole amongst his own particular division. Some individual members of other tribes received a small portion, while many others refused to accept of any, even from a third party, amongst the latter were Taikaparua, and his party, who are universally acknowledged to be the rightful proprietors of the greater part of the surveyed block. Taikaparua himself states that he refused, from the very commencement, to accede to the terms proposed by Captain Smith, and that when pressed by that gentleman, he told him that he would give his consent when the Europeans brought him a heap of money and goods as high as the Tararua mountains, meaning that he would never sell his land at any price.

We arrived at Wanganui on the 3d of May, and immediately assembled the principal natives of that district, but they refused to take any remuneration whatever, in lieu of their uncompensated claims. I was considerably disappointed in their determination, knowing that they had previously written to Mr. Spain, and expressed their anxiety to be paid for their land; under these circumstances, I submitted to Colonel Wakefield the propriety of our offering them a definite sum, and I named one thousand pounds (1,000 £.), which, had the natives accepted of it, I should have considered a fair and ample remuneration for their claims. Colonel Wakefield readily assented to my proposal, but the natives still persisting in their refusal, Mr. Spain closed his court, publicly notifying to them that he would recommend the Government to issue a Crown grant to the Company of the surveyed block of land at Wanganui, excepting their paha, reserves, cultivations, eel-cuts and burying-grounds. The right to the greater portion of the block chosen by the Company at Wanganui is disputed between the Patutokotoko tribe, under Turoa, and the natives of Putikiwaranui (a large pah on the southern bank of the Wanganui river, opposite the township of Petre) under Te Maiwae and others.

Upon the arrival of Mr. Edward J. Wakefield, who conducted the purchase on behalf of the New Zealand Company in 1839, they state that a large party from several paha on the river, assembled at the site of the present township. When the property was exposed to the view of the natives, Turoa mentioned certain boundaries, including many places belonging to tribes with whom he had not any connexion, upon which the natives quarrelled with one another, and commenced to pillage the property. Kurukanga and his party (whose claims within the surveyed block were, I believe, of very insignificant extent), obtained the greatest share, and retired to their paha, several days journey from the places where the transactions occurred. Te Maiwae and another of the chiefs of Putikiwaranui were absent at Kapiti, and it is said that a very small proportion of the resident natives of their pah received payment; since that time Turoa and others have built palis nearer the mouth of the river, which have occasioned considerable annoyance to both the settlers and the resident natives, who will not admit their right to do so. Te Mawae, and the natives of his pah, at first opposed the Company's surveyors by destroying their works, and pulling up the stakes by which the lines were marked, but being persuaded by the late Rev. Mr. Mason, that the mere act of surveying did not, according to our customs, constitute a title to the land, they desisted from violence to the surveyors, though they refused to allow the settlers generally to occupy the sections, for which they had paid the New Zealand Company, declaring that they would never give up the land unless they were either paid for it, or it was forcibly taken from them by the Europeans.

On the 31st of July Mr. Spain held his court at Taranaki, and closed the investigation of the claims to that district, the result of which was a verdict in favour of the Company's having effected a valid purchase; considerable excitement prevailed in consequence among the natives, but by impressing upon their minds the danger and certain ruin they would bring upon themselves, if they resorted to violent measures as a means of obtaining redress for their real or supposed grievances, and by pointing out that the proper course for them to pursue was to communicate a statement of the facts in writing to the Government, I persuaded them to desist from any general attempts to molest the settlers.

In order to enable you fully to comprehend the nature of the obstacles to the amicable settlement of this branch of the question, I feel it necessary to refer to circumstances, which occurred nearly 14 years ago, when Te Rauparaha persuaded a large force of the Ngatiawa and other tribes to assist him in his wars with the original inhabitants of the northern and southern shores of Cook's Straits. The Waikato natives, taking advantage of their absence, suddenly invaded the Taranaki district, and took Pukerangioia, a large pah on the Waitara River, capturing or destroying nearly 2,000 of the inhabitants; they then attacked Ngamotie near the present settlement of New Plymouth, but without success, and were compelled to return to their own country. They afterwards cultivated a small portion of land formerly occupied by the Ngatimutunga, to the north of the Waitara River, but if the accounts of the natives now resident at New Plymouth are to be credited, they never cultivated any other part of the district. I believe a small party of them attempted to occupy land on the
Waitara,

Waitara, but met with so much opposition from the original claimants, that they were compelled to retire. On these circumstances the Waikate natives formed their claims, but I believe they never took possession of or exercised acts of ownership upon the land generally.

They never repeated their attack, though they frequently threatened to do so, and the natives of Taranaki, finding themselves too weak to oppose effectually the expected invasion, when their principal warriors were absent with Te Rauparaha in the Middle Island, migrated with their women and children to Kapiti, and the opposite side of Cook's Straits, and rejoined their relatives.

The purchase of the New Zealand Company was transacted in the month of February 1840, when, I believe, there were not more than 60 natives (part of the Puketapu and Ngamotu tribes), residing in the district north of the Sugar-loaves. Most of these affixed their signatures to the deed of conveyance. How far they may have understood its contents, or the boundaries of the land professed to be conveyed, I cannot say, their statement being so contradictory; but I fully believe that these boundaries, and the block chosen by the Company, comprise lands that were never occupied by or belonged to them. They themselves clearly admit that they had no general claim over the district, and that they could only rightly dispose of their own individual possessions.

After the introduction of Christianity into the district of Waikato, many of the natives who had been taken prisoners at Taranaki, and reduced to slavery, were released by their masters, and permitted to return to their own country. These freed men first arrived there some months after the date of the purchase, and took possession of the spots they had formerly occupied and cultivated. Ever since which, parties of the tribes in Cook's Straits have been and are still daily returning, and resuming possession of the lands they respectively occupied before their migration to the southward. On the other hand, that portion of the Waikato tribes who are not more immediately under the influence of Te Wero Wero, and particularly the natives of Mokau and the adjacent country, have expressed their determination to renew the contest with the Taranaki tribes, if they persist in a general re-occupation of the district, or accept of any payment from the Europeans.

Soon after Mr. Spain had concluded his proceedings at New Plymouth, I was called upon to settle several disputes between the two races respecting land, particularly one between Mr. Cooke and a family of the Puketapu tribe (part of whom signed the deed of conveyance to the New Zealand Company), about the occupation of a section at Te Hua. These natives commenced to clear the timber off part of the section, near Mr. Cooke's residence, for the purpose of planting. I remonstrated with them on the subject, and pointed out two native reserves at a short distance, which were much more adapted to their purpose; but they positively refused to make use of them, on the plea that they belonged to another family, and that, therefore, they had no right to occupy them. At the same time they stated, that it was with reluctance they interfered with Mr. Cooke, and that they were ready to remove if I would point them out another spot upon which they could cultivate with equal advantage, within the limits of their own claim; but as I was unable to do this without prejudicing the interests of other proprietors of sections (the whole of the land claimed by them having been selected by purchasers under the Company), I advised them, in general terms, not to quarrel or interfere with the Europeans, and particularly to abstain from any thing like threats of violence.

I am of opinion that very much of the annoyance and inconvenience to which both the settlers and aborigines have been exposed, is to be attributed to the imperfect manner in which the system and nature of the native reserves were described at the time of the purchases of the Company, in the several districts to which they lay claim; and many of the difficulties with which we have had to contend in our attempts to settle the disputed questions by compensation, are to be traced to the disastrous proceedings at Wairau last year. A deep-rooted prejudice and suspicion of each others motives has been engendered thereby in the minds of both races, and a settled determination on the part of the natives to resist what they may consider acts of aggression or injustice by the settlers, especially in reference to the question of land.

Feeling that much of the future prospects of the colony depends upon the view which the Government may be pleased to take of the state of the land question, I have endeavoured faithfully to lay before you the circumstances of each case as advanced by the natives, with their sentiments thereon; and, as their official protector, I feel that I should not discharge my whole duty without, in conclusion, respectfully, but urgently calling the attention of the Government to the evidence, as taken before Mr. Spain, and the immediate necessity of a final settlement of the grounds of dispute between the two races.

I have, &c.

G. Clarke, Esq.,
Chief Protector of Aborigines.

(signed) George Clarke, Jun., P. A.

Enclosure (A.)

(No. 1.)

Sir,

Protector's Office, Wellington, 20 February 1843.

I HAVE the honour to inform you, that after several meetings on the subject of compensation, the natives of Te Aro have come to a determination to decline at present any proposal of compensation, or to enter into any engagements with the New Zealand Company, respecting the land they claim in this district, which they assert they have never alienated to yourself on behalf of that body.

I regret that I am obliged to convey to you a result so different to that which we had contemplated, in a matter of such vital importance to all parties; but on the other hand I am happy to inform you, that I have observed in the natives of Kumutoto and Pipitea, an evident disposition to receive a compensation, for which they would give up their claim to those lands of which the New Zealand Company are desirous to have undisputed and firm possession, and the alienation of which, provided suitable reserves are made for them, must prove highly advantageous to themselves.

If then you are willing, on behalf of the Company, to go into a reference in the cases of Pipitea and Kumutoto, I have great hopes that the sight of the payment which the natives living in those places will receive, and the evident advantages of a speedy and amicable adjustment of their case, might induce the Te Aro natives to accept of a fair compensation for the lands they claim in this district.

I have, &c.

W. Wakefield, Esq.
Principal Agent, N. Z. C.

(signed) *George Clarke, Jun., P. A.*

(True copy.)

(signed) *George Clarke, jun.*

(No. 2.)

New Zealand Company's Office, Wellington,
21 February 1843.

Sir,

I beg to acknowledge the receipt of your letter of yesterday's date, apprizing me that the natives of Te Aro have declined to receive further payment from the New Zealand Company on account of disputed claims to land, but that those of Pipitea and Kumutoto show a disposition to come to an adjustment of their cases.

On the part of the Company, and on my own, I have to express my acknowledgments of your efforts to affect an amicable arrangement with the people of Te Aro, and my readiness to go into a reference upon a further payment to those of Pipitea and Kumutoto, whenever it may be convenient to you.

I have, &c.

George Clarke, Esq., jun.,
Protector of Aborigines.

(signed) *W. Wakefield,*
Principal Agent of the New Zealand Company.

(No. 3.)

Sir,

Protectors' Office, Wellington, 27 February 1843.

REFERRING to our conversation on the 25th instant, respecting the amount of payment to which the natives of Pipitea, Kumutoto and Te Aro may be considered fairly entitled I have the honour to inform you, that after careful deliberation, I have computed the value of their claims to be one thousand and fifty pounds sterling.

£. 1,050.

I am instructed that the natives will be allowed to retain their paha and cultivated grounds, until they feel disposed to alienate them; but in cases where they interfere with the public convenience, I shall always consider it my duty to induce them to alienate them for a fair equivalent, provided another suitable spot can be found for them. I would, therefore, submit to you the expediency of our ascertaining, with as little delay as possible, their extent and situation, and also the nature and capabilities of the native reserves.

Should you concur with me in the propriety of such a step, I shall be ready at your earliest convenience to accompany you, or any other gentleman you may be pleased to appoint, for the purpose of obtaining this object. I beg to be distinctly understood, that in consequence of the exorbitant demands of the natives, my object is merely to fix upon a definite amount of consideration which I may offer to them, and which I will endeavour to induce them to receive.

I have, &c.

W. Wakefield, Esq.
Principal Agent, New Zealand Company.

(signed) *George Clarke, Jun.*
Protector Aborigines, Southern District. ■

(True copy.)

(signed) *George Clarke.*

(No. 4.)

(No. 4.)

New Zealand Company's Office, Wellington,
1 March 1843.

Sir,

THE very unexpected amount of the demand which your letter of yesterday contains on behalf of the natives of the paha referred to, renders it impossible for me at this moment to do more than express my unfeigned surprize, and my conviction of the utter impossibility of my advancing in any negotiation founded on such a basis. I must beg for the present to defer giving any reply to the pecuniary part of your communication, until I have suggested a few considerations which may lead to the adoption of some rule or principle applicable to the native demands, in these and similar instances.

Your experience of the native character, and your own observations upon the exorbitance of their demands, relieves me from saying more at present, than that their total ignorance of any true measure of value, and their improvidence for the future, render it necessary that the real compensation should be secured to them by authority, in some durable and permanent provision for themselves and their posterity. You must be fully aware, that any goods or money bestowed upon them would only serve as a momentary gratification, and would be speedily squandered; at the same time I am willing, for the sake of conciliating their present feelings, to make them any such contribution as is reasonable, and consistent with my duty to the New Zealand Company.

You must be aware that a compliance with the terms which they have suggested to you, would only serve as an encouragement to insatiable demands from every tribe and family of natives with whom we have had transactions. The resources of the Company would be quite inadequate to meet any such pretensions, which I fear would operate as a bar to the continuance of its proceedings.

What I have now to urge therefore is, the imperative necessity of making our arrangements not merely reasonable, but final, conclusive, and as general as possible in their application.

With respect to the amount claimed for the natives of the three paha, allow me to remind you of the value of the property which they have confessedly received from me, as compared with the sums but recently paid by the Government itself, in parts of the island more thickly inhabited, and by more civilized natives.

But especially let me draw your attention to the reserves of land which we have made for the natives, and the enormous value we have conferred upon those reserves, by systematic colonization; should this be lost sight of, it might follow that we should be taxed in proportion to the benefit we have conferred upon the claimants.

The true measure, I conceive, would be something beyond what was the marketable value of the land before we undertook the colonization of it, ascertained by actual compromises in other parts of the island, and modified by the nature of those special provisions which we have made for the natives, beyond what has been done for their countrymen elsewhere, or for any other class of aborigines. Unless this is fully understood and appreciated, I cannot hope for a solution of the difficulty. To this, I invite your attention before proceeding with the other part of the negotiation.

I shall feel a satisfaction in making you acquainted with the extent and value of native reserves, and I shall, at the same time, be enabled to point out large blocks of land in the vicinity of the town, which we have purposely excluded from our surveys in consequence of the predilection of the natives for them, and which, if added to the reserves, would form an abundant provision for their present wants, and for any probable increase of their numbers.

With respect to their paha and cultivations, I am bound in candour to state, that it is utterly beyond my power to become a party to any arrangement that does not prospectively at least, provide for the cession of any such lands as may already, under the sanction of the Government, have been allotted to individuals, or vested in the corporation of Wellington for private purposes.

I may add my conviction, that the natives require no more inducement to this, than the recommendation of persons in authority; and I am supported by the opinion of their best friends in the assertion that, not only does the public safety, health and convenience require it, but that nothing would conduce more to the physical and moral improvement of the natives, than such a change in their habits as might be expected from the abandonment of their present ill-constructed and unwholesome habitations.

The danger of fire to the town is imminent, and their great mortality, as compared with that of Europeans, and the constant risk of infection from the prevalence of malignant diseases among them, can only be attributed to their present mode of life.

In conclusion, I would call your attention to the fact, that the Company is not to be regarded as a mere speculator; it has been incorporated for national purposes; and whilst it claims to be foremost in its zeal for the benefits of the natives, it expects to receive that consideration, without which it must abandon its most useful undertakings.

I beg, therefore, that you will be good enough to determine upon one proposal, to include all claims for the Port Nicholson district, if there be any beyond those you have advanced, and

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and on such terms as will leave no question as to the surrender of the pāhs and cultivations required for the settlement, so soon as the natives can be reasonably expected to leave them.

I have, &c.

G. Clarke, Esq.,
Protector of Aborigines.

(signed) W. Wakefield,
New Zealand Company's Principal Agent.

(True copy.)

(signed) George Clarke, jun.

(No. 5.)

Protector's Office, Wellington,
2 March 1843.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date, expressing your unfeigned surprise at the unexpected amount of the demand I had made on behalf of the three pāhs, Pipitia, Kumutoto and Te Aro, and your conviction of the utter impossibility of your advancing in any negotiation founded on such a basis, and begging, for the present, to defer giving any reply to the pecuniary part of my communication until you had suggested a few considerations, which may lead to the adoption of some rule or principle applicable to the native demands in these and similar instances.

I beg to make a few observations in reply to the several clauses of your letter, and if any of the points to which you advert remain unanswered, it is because they are more for the consideration of the Government and yourself, than of the official advocate of the natives.

With reference to the paragraph already quoted, I beg leave to remind you, that the permission to compensate the natives in such cases as the present, was granted by the Government at your own request, to enable the New Zealand Company, as far as possible, to fulfil their engagements with the parties who have purchased land from them; and it is left entirely to your own judgment to avail yourself of the permission granted, or proceed with the evidence, and await the final decision of the Commissioner.

I wish you clearly to understand that in my last communication I merely stated my own estimate of the fair value of the native claims. I by no means intended to convey to you the demands of the natives of the three pāhs in question, which very considerably exceed the sum I have proposed. At the same time, I have no wish that they should be compensated in money; but had my proposition met with your approval, I would have induced the natives to accept it in a shape suitable to their present wants, and calculated to confer substantial benefits on their descendants; and this prospect I had always held out to them in reply to their applications for pecuniary compensation.

You call my attention to the property the natives have confessedly received from you, as compared with the sums recently paid by the Government, in parts of the island more thickly inhabited, and by more civilized natives. It is out of my province to offer an opinion at present as to the light in which that property was regarded by those who received it. Mr. Bennett (the individual you employed as interpreter in your purchase) has distinctly stated in his evidence before the Commissioner, that the natives of Pipitea and Te Aro, at least, were unwilling to sell their land. I am of opinion, that it would be hardly fair to estimate what these natives ought to receive by the price the Government now pay for land in the northern part of the island. It must be remembered that the Government have no purchasers to compete with, and that in all Government transactions of this nature the natives are allowed to make their own stipulations for any spots they may wish to retain in their own possession; in addition to which, a reserve of one-fifteenth is made for their benefit out of the tract of land actually alienated.

You proceed to remind me of the reserves made by the Company for the natives, and the enormous value conferred upon them by systematic colonization; I gave this subject the most careful consideration before I decided upon my estimate, and I could only arrive at the conclusion, that the majority of those reserves were most injudiciously chosen, and without sufficient regard to the wishes and interest of the natives themselves. The inferiority of the land thus selected constitutes one of their principal objections to occupy the reserves, and, indeed, they have repeatedly stated (what has been confirmed by Barrett's testimony) that the only explanation they ever received of the system of reserves was, that one portion or side was for the Europeans and the other for themselves.

I admit that the unwholesomeness of their present habitations tends to aggravate the malignant diseases so prevalent amongst the native population; but it must be borne in mind that this is the prevailing character of the majority of native houses; and were they to remove from their present position, it is more than probable that they would erect buildings on the new site of similar style, and liable to the same objections; at the same time, I cannot imagine that there is any risk of infection reaching the settler who may reside in their neighbourhood; and from their present almost isolated position, I apprehend there is little danger of fire to be anticipated from the pāhs. In addition to which, I may observe, that I may deem it expedient to devote a portion of the compensation to improving the general character of native residences, which would effectually obviate the objection to their existence in the town.

With respect to their pāhs and cultivations, you observe you are bound in candour to state, that it is utterly beyond your power to become a party to any arrangement that does not,

not, prospectively at least, provide for the cession of any such lands as may already, under the sanction of the Government, have been allotted to individuals, or vested in the corporation of Wellington. I must confess my ignorance of any permission granted by the Government to the Company to allot to any individual purchaser any portion of a pah in the present actual occupation and possession of the aborigines; on the contrary, my official instructions pointedly and repeatedly inform me, that under any circumstances the Government will maintain the natives in the possession of their paks and cultivations so long as they are desirous to retain them. And I, on my part and on behalf of the aborigines, beg to be clearly understood, that it is contrary to my instructions, and utterly out of my power, to become a party to any arrangement which stipulates for the cession by the natives of their paks and cultivations to the New Zealand Company under any circumstances without their own free consent.

In conclusion, I would again observe, that it is in your own power to adopt or abandon the present reference. I cannot hold out any prospect of my reducing the terms I have already proposed. I am perfectly willing, should you still disapprove of them, to submit our difference of opinion to the decision of the appointed umpire, by whose judgment we are both equally bound; but should you, even at this stage of the business, express a desire to withdraw from the present negotiation, I am equally ready to proceed with evidence before the Commissioner; in which case I feel little doubt of ultimately establishing the position I have hitherto taken, and of proving the justice of my conclusions and my demand.

I have now put you in possession of my view upon the subject; and having thus recorded our individual opinion, I would suggest the propriety of our meeting as early as possible to deliberate upon the course of proceedings to be adopted, which might, I imagine, be more readily arrived at by personal communication than protracted correspondence.

I have, &c.

(signed) *George Clarke, jun.,*
Protector of Aborigines, Southern Division.

William Wakefield, Esq.,
Principal Agent, New Zealand Company.

(True copy.)
(signed) *George Clarke, jun.*

(No. 6.)

New Zealand Company's Office, Wellington,
6 March 1843.

Sir,

WITHOUT wishing to protract the correspondence on the subject of the reference we have undertaken as to the lands in question between the aborigines and the Company, which, since our last conversation with Mr. Commissioner Spain, I hope will be brought to a satisfactory conclusion, so far as this district is concerned, I must beg to add a few remarks upon some passages of your letter of the 2d instant. I do so lest my silence might be construed into an admission of the statements they contain, and in justice to Captain Smith, the late Surveyor-general of the Company, who was charged with the selection of the native reserves.

It is an error to suppose, as you appear to do, that the permission granted to the Company to compensate the natives in disputed cases was granted at my request. When Governor Hobson proclaimed the town of Wellington, and guaranteed the possession of the lands in the district to the purchasers of them from the Company, it was proposed by the law officers of the Crown, that the permission to come to an equitable arrangement with such natives as had not been parties to the sales to me should be accorded, in furtherance of a public object, without controverting the Proclamation forbidding the further purchase of land after January 1840. In the month of August last, I proposed to Mr. Commissioner Spain that the settlement of this part of New Zealand would be facilitated by his determining, during the progress of his inquiry into the Company's claims to land, the amount of compensation due to the natives, and proposed to abide, on the part of the Company, by his and Mr. Haswell's decision.

In January last I was informed, by the command of his Excellency the Officer administering the Government, that you would be appointed referee, in conjunction with an agent of the Company, to determine the amount of further payment to the natives, and that the Commissioner would act as umpire in case of any difference between us. I complied thankfully with this proposition, from a wish to throw no obstacle in the way of a speedy adjustment of the question; but I did not request it, and should have been perfectly satisfied to abide by the report of the Commissioner.

In reference to your conclusion, that the majority of the native reserves in this district have been most injudiciously chosen, and without sufficient regard to the wishes and interests of the natives themselves, and that the inferiority of the land thus selected constitutes one of the principal objections to occupy the reserves, I have to observe, that the gentleman appointed by the Company to make the selections for the natives was thoroughly qualified, by his honourable character, the nature of his employment, and knowledge of country, to make good choices of land; that he chose the sections the most likely to prove

valuable to the natives; although, perhaps, they themselves might, from ignorance of the circumstances which give value to them, not be disposed to approve of them; and that, taking one section with another throughout the district, the native reserves are comparatively, and in relation to their priority of choice, in no way inferior in quality or position to those of the white settlers.

I hope that when you have seen these reserves, and consider that it is the disposition of the natives to covet any thing they are called upon to yield, and to disparage any thing offered to them, you will change your opinion as to their value, and the objections raised to them by some of the natives.

There are some other portions of your letter which might call for observations on my part, but as I have no wish to prolong or embarrass our negotiation, and feel sure that we have the same object in view, viz. a fair and reasonable arrangement between the natives and the Company, I will not further trespass on your time.

I have, &c.,

(signed) *W. Wakefield*,
Principal Agent, N. Z. C.

G. Clarke, Esq.,
Protector of Aborigines.

(True copy.)

(signed) *George Clarke, jun.*

(No. 7.)

Sir,

Wellington, 23 May 1843.

WITH reference to your proposal, that I should include all claims of the natives resident within the limits described in the New Zealand Company's Port Nicholson deed, in my estimate of the award of compensation to which they may be considered to be entitled, I have the honour to inform you, that, after a careful investigation of their respective merits, I have arrived at the conclusion that they are entitled to compensation equal in value to the sum of 1,500*l.* sterling.

I regret that my unavoidable absence in attending the court of land claims at Wanganui and other places on the coast, and my not meeting you there as I expected, has prevented my making an earlier communication.

I have, &c.,

(signed) *George Clarke, jun.*,
Pro. Aborigines.

W. Wakefield, Esq.,
Principal Agent, N. Z. C.

(True copy.)

(signed) *George Clarke, jun.*

(No. 8.)

Sir,

Wellington, 24 May 1843.

I HAVE to acknowledge the receipt of your communication of the 23d instant, in which you refer to and re-open the correspondence which was suspended after the beginning of the month of March, and in order to obviate a difficulty stated by me, suggest that I should pay 1,500*l.* (or an equivalent) for the whole of the claims of unsatisfied natives resident at Port Nicholson.

The lapse of 12 weeks since I received the last communication from you has caused me to feel more deeply the impropriety of our committing the Company or the Government by any acts involving principles on which we have not clear and positive instructions. During that interval, I have been anxiously expecting from the officer administering the Government of this colony, an answer to an application I made long since for permission to select blocks of land in pursuance of the arrangements between Her Majesty's Government and the Company. I have received no communication from his Excellency on that subject, and I am not yet informed whether he has received those instructions which the Right honourable the Secretary for the Colonies, in a letter addressed so long as two years ago (dated May 28th, 1841), to the directors of the New Zealand Company, promised to transmit forthwith to the Governor of New Zealand.

Those instructions, if carried into effect in the spirit of the arrangement between the Government and the Company, would have precluded all those difficulties which now embarrass the question, and might have relieved us from the necessity of pursuing these negotiations. Added to this, I have lately received information which leaves no doubt that the Directors of the Company are engaged in active correspondence with the Government on the subject treated of between ourselves, and that the first vessel which arrives from England will probably bring important and conclusive instructions, which may lead to a different mode of settling the question from what either of us could anticipate.

Under all these circumstances, and feeling as anxious as ever to arrange in a fair and amicable way any differences between the natives and the settlers, I have to request a
short

short postponement of this correspondence, in the hope of receiving despatches, now due, from London and Auckland; assuring you, that after a reasonable delay I shall feel myself justified in proceeding with the negotiation.

I have, &c.,

(signed) *W. Wakefield,*
Principal Agent, N. Z. C.

George Clarke, Esq., jun.,
Pro. Aborigines, Wellington.

(True copy.)

(signed) George Clarke, jun.

(No. 9.)

Wellington, 24 August 1843.

Sir,

REFERRING to my letter of the 24th May last, in answer to yours of the 23d, I have to express my deep regret that I have not yet received from the local government any satisfactory reply to my application adverted to in the former of those letters. I have received some communications from the Directors of the Company, but not of so conclusive a nature as I had hoped for.

It appears that the Company and the Government were still engaged in the negotiations of which I have already apprised you, but I am not yet informed of the result, although there is every reason to believe that it will be in accordance with the views which I have expressed. Nevertheless, as our negotiation has now been interrupted since the 23d of May, I will not seek for any further delay, but will resume it where it was suspended, after your letter of that date.

I am now ready to proceed upon the basis proposed in that letter; viz., that we should include all claims of the natives resident within the limits described in the New Zealand Company's Port Nicholson deed, from which I infer that you have waived your objection to a cession of the paha and cultivated grounds.

With a view to inspire confidence in the minds of the settlers, and to establish a good understanding with the natives, I must repeat what I have stated in a former letter, that I cannot hold the Company responsible for any settlement that shall not be final and conclusive.

I have, &c.

(signed) *W. Wakefield,*
Principal Agent of the New Zealand Company.

George Clarke, Esq.
Principal Agent, Wellington.

(True copy.)

(signed) George Clarke, jun.

(No. 10.)

Wellington, 29 January 1844.

Sir,

WITH the view to carry out the arrangements you have this day entered into as Principal Agent of the New Zealand Company, relative to the final adjustment of the land question, and in order that I may be in possession of data upon which I can found a satisfactory estimate of the amount of compensation it is proposed to award to the unsatisfied native claimants, I have the honour to request that you will be good enough to furnish me with a certified plan and statement, showing the exact quantity of land either surveyed or given out for selection, and the extent of the native reserves within the limits described in the New Zealand Company's Port Nicholson deed conveyance.

I have, &c.

(signed) *George Clarke, jun.*
Protector of Aborigines, Southern District.

William Wakefield, Esq.
Protector of Aborigines, New Zealand Company.

(True copy.)

(signed) George Clarke, jun.

(No. 11.)

Sir,

Wellington, 1 February 1844.

IN reply to your letter of the 29th ultimo, requesting a certified plan of the land contained in the Port Nicholson deed of purchase by the New Zealand Company, I beg to forward you the copy of a report from the principal surveyor of the Company, together with a tabular description of the land surveyed, or under survey, and the plan you desired.

I have, &c.

George Clarke, Esq., Jun.,
Protector of Aborigines.

(signed) *W. Wakefield.*

(True copy.)

(signed) George Clarke, Jun.

Sir,

New Zealand Company's Survey Office, Wellington,
31 January 1844.

I HAVE the honour to forward a sketch, showing the land surveyed, and under survey, with the limits of the first purchase (the Port Nicholson conveyance) of the New Zealand Company.

The deed describes the land purchased to be bounded on the west by the Rimarup range of hills; on the east by the Purakirai range; on the north by the Taurarua; and on the south by the sea. The land inclosing this block, as "lying between the Rimarup range, and the west-east;" and "that lying between the Turakirai and the east coast," having been included in some other purchases of the New Zealand Company, rendered it unnecessary to adhere to any particular boundaries in surveying the land for the holders of preliminary land orders, therefore, I cannot trace the precise line of either the Rimarup or Turakirai ranges, but have sketched them near where, I believe, they run, and in such a manner as to take up the divisions of the sections.

	Number of Sections of 100 Acres.*	Number of Acres.	TOTALS.
The land coloured dark red on the plan, represents the land surveyed within the limits of the block, inclusive of the town of Wellington, and exclusive of the public reserves, town belt, government reserves and roads.	441	44,100	45,440
	Parts of $\frac{1}{2}$ sections		
	7	350	
The land coloured light red, represents the land under survey, i.e. land which is required to be surveyed, but which the state of the native question obliged me to postpone; the precise sites of the allotments forming this division, cannot, therefore, be determined until the surveys of them are made.	Town - -	990	2,700
	22	2,200	
	For sections omitted, and for errors, add		
The land coloured yellow, represents the native reserves, including those in the town of Wellington.	5	500	3,510
	29	2,900	
	Block at Kaiwarra.	500	
	Town - -	110	

I have, &c.

(signed) *Sam. Chas. Brees,*
Principal Surveyor.

Colonel W. Wakefield,
Principal Agent to the New Zealand Company.

(True Copy.)

(signed) George Clarke, Jun.

TABLE

* A section consists of 100 acres, but an allowance has been made in setting them out on the ground, for hills, &c.

TABLE showing the Land Surveyed and under Survey, within the limits of the first purchase (the Port Nicholson conveyance) of the New Zealand Company.

NAMES OF DISTRICTS.	Number of Sections of 100 Acres each, exclusive of Reserves.	Number of Sections of 100 Acres each, reserved for Natives.	Total of Sections Surveyed and under Survey.
1. Lower Hutt - - - -	73	8	81
2. Upper Hutt - - - -	97	3	100
3. Kai Warra - - - -	7	- - -	7
4. Kinapora - - - -	32	3	35
5. Porirua - - - -	7	- - -	7
6. Horikiwi-road - - - -	33	1	34
7. Tukapu - - - -	1	- - -	1
8. Harbour - - - -	64	3	67
9. Ohariu - - - -	41	3	44
10. Town District - - - -	7	2	9
11. Evans' Bay - - - -	6	- - -	6
12. Watts' Peninsula - - - -	18	- - -	18
13. Tera Witi - - - -	1	- - -	1
14. Lowry Bay - - - -	7	2	9
15. Upper Kaiwarra - - - -	7	- - -	7
16. Block for natives at Kaiwarra - - - -	- - -	5	5
17. Ohiro - - - -	15	4	19
18. Harori - - - -	25	- - -	25
	441	34	475
Or, number of acres - - -	44,100	3,400	47,500
Town of Wellington - - -	990	110	1,100
	45,090	3,510	48,600
Add parts of sections intersected by the Western boundary line (Tukapu) and Ohariu districts, say - - -	350	- - -	350
	45,440	3,510	48,950

(No. 12.)

Sir,

Wellington, 7 February 1844.

I HAVE the honour to acknowledge the receipt of your communication, dated 31st ultimo, accompanied by a plan and statement, showing the amount of surveyed lands within the limits of the New Zealand Company's first purchase. The uncertainty which exists as to the precise situation of the eastern and western boundaries, and a desire not to embarrass the negotiation, by including within those limits any land to which the natives of Porirua may lay claim, induced me to make the subsequent proposition, which I have personally communicated to you, and which I now have the honour to put on record; viz. That under the present negotiation, the New Zealand Company shall compensate the natives who lay claim to the districts specified in the enclosed schedule, excepting native reserves, paha, cultivations and burial-grounds.

The amount which I have decided upon, as necessary to compensate the unsatisfied native claimants, and which I beg to submit to your consideration, is (1,500 £.) one thousand and five hundred pounds.

I have, &c.

(signed) George Clarke, Jun.
Pro. of Aborigines.

W. Wakefield, Esq.
Principal Agent, N. Z. C.

(True Copy.)

(signed) George Clarke, Jun.

SCHEDULE referred to in the accompanying Letter, showing the Extent of Land for which it is proposed to compensate the Native Claimants.

NAMES.	Number of Section surveyed on Plan.	Number of Section chosen on Plan.	Number of Section left unchosen.	Number of Section Reserved.	Number of Native Reserves.	Number of Native Reserves Reserved.
Watts' Peninsula - -	18	18				
Evans' Bay - - -	6	6				
Town District - -	9	9	- -	- -	2	
Ohio - - - - -	18	18	- -	- -	4	
Karore - - - - -	25	25				
Kaiwarawara - -	9	9				
Upper Kaiwarawara	7	7				
Te Kawati - - -	5	5	- -	3		
Oterango - - - -	- -	- -	- -	6		
Ohaua - - - - -	- -	- -	- -	9		
Makara - - - - -	40	40	- -	- -	4	
Ohariu - - - - -	71	67	4	15	5	2
Kinapora - - - -	26	26	- -	- -	3	
Harbour - - - - -	67	28	39	- -	3	
Horokiwi-road - -	34	20	14	- -	1	
Lower Hutt - - -	80	80	- -	3	8	
Upper Hutt - - -	100	63	37	6		
Lowry Bay - - - -	9	6	3	3	2	
Pakuratahi, &c. -	- -	- -	- -	50		
Wainuiomata, &c. -	- -	- -	- -	50		
Kaiwarawara - -	- -	- -	- -	- -	5	
TOTAL Sections - -	524	427	97	145	37	2
Number of Acres - -	52,400	42,700	9,700	14,500	3,700	200
Town in Acres - -	990	990	- -	- -	110	
TOTALS - - - -	53,390	43,690	9,700	14,500	3,810	200

(signed) George Clarke, Jun.
Pro. of Aborigines.

(No. 13.)

Sir,

Wellington, 8 February 1844.

I BEG to acknowledge the receipt of your letter of yesterday's date in reply to mine of the 31st ultimo, enclosing a Schedule of land for which it is proposed to compensate the native claimants, exclusively of the native reserves, paha, cultivations and burial-grounds contained therein. At the same time you propose to my consideration the sum of 1,500*l.* as necessary to compensate the unsatisfied native claimants in the district referred to in the Schedule.

Being in entire ignorance whether or not Mr. Commissioner Spain has reported that any portion of the above-mentioned lands have been alienated by the natives, I am not in a condition to form an estimate of the further payment reasonably due to them by the New Zealand Company; but being desirous to enable you to satisfy all of the native claimants to these lands, and to avoid the delay of a reference to the Commissioner, I am at once prepared to provide the sum you have named, 1,500*l.*, as necessary for the purpose.

I have, &c.

George Clarke, Esq., Jun.,
Protector of Aborigines.

(signed) W. Wakefield,
Principal Agent of the New Zealand Company.

(True copy.)

(signed) George Clarke, Jun.

(No. 14.)

Sir,

Wellington, 16 April 1844.

I BEG to acknowledge the receipt of your letter, dated the 8th February 1844, and of the sum (1,500*l.*) you placed at my disposal for the purpose of compensating the native claimants in this district.

I enclose for your information a Schedule, showing the manner in which it has been appropriated.

I have

I have been instructed by Mr. Commissioner Spain, that it is his intention to leave this settlement for Taranake on Thursday next. I have also been directed to place myself in immediate communication with you on the subject of compensating the natives at Manewatu, Wanganui and Taranake.

Mr. Spain has suggested to me the propriety of your taking at least 3,000*l.* with you in bank notes, and stated his conviction that our being prepared with the money to pay the natives on the spot, when the agreements are concluded, will very much facilitate our arrangements with them.

The Rev. Mr. Taylor, of Wanganui, was with Mr. Spain yesterday, and informed him that the natives of that place were willing to accept compensation, and anxiously awaiting our arrival. For many reasons I think it desirable that I should have the opportunity of personal communication with the claimants on the spot, and ascertaining the amount they may respectively expect to receive, before I named a definite sum for each particular district. I perfectly agree, however, with the Commissioner in the propriety of taking a sum of money with us, and the good effect likely to be produced upon the natives by their knowledge that we have it. I beg, therefore, to propose that you should take the sum I have mentioned with you up the coast.

Soliciting your early attention to this communication.

I have, &c.
(signed) *George Clarke, Jun.*
P. A. Southern District.

William Wakefield, Esq.
Principal Agent, N. Z. C.

(True copy.)
(signed) *Geo. Clarke, Jun.*

SCHEDULE referred to in the accompanying Letter.

NAMES OF PLACES.								SUMS AWARDED.		
Paid :								£.	s.	d.
Te Aro	-	-	-	-	-	-	-	300	-	-
Kumutoto	-	-	-	-	-	-	-	200	-	-
Pipitea	-	-	-	-	-	-	-	200	-	-
Tiakiwai	-	-	-	-	-	-	-	30	-	-
Pakuao	-	-	-	-	-	-	-	10	-	-
Kaiwarawara	-	-	-	-	-	-	-	40	-	-
Waiwetu	-	-	-	-	-	-	-	100	-	-
Waiariki	-	-	-	-	-	-	-	20	-	-
Oterango	-	-	-	-	-	-	-	20	-	-
Ohaua	-	-	-	-	-	-	-	20	-	-
Te Ikamaru	-	-	-	-	-	-	-	10	-	-
Unpaid :										
The Hutt	-	-	-	-	-	-	-	300	-	-
Oharui	-	-	-	-	-	-	-	190	-	-
Pitoone	-	-	-	-	-	-	-	30	-	-
Ngauranga	-	-	-	-	-	-	-	30	-	-

(signed) *George Clarke, Jun.*
Pro. Aborigines, S. D.
(True copy.)
(signed) *George Clarke, Jun.*

(No. 15.)

Sir,

Wellington, 17 April 1844.

I HAVE the honour to acknowledge the receipt of your letter of yesterday, enclosing a Schedule, showing the manner in which the sum, 1,500*l.*, placed by the New Zealand Company at your disposal, for the purpose of compensating the native claims in this district, has been appropriated, also acquainting me with the Commissioner's intention of leaving this place for Taranake on Thursday next, and recommendation that I should attend him with not less than 3,000*l.*, to pay the natives on the spot, where further payments have to be paid.

I will not fail to attend to the Commissioner's and your recommendation in these respects.

And have, &c.
(signed) *W. Wakefield,*
Agent of the N. Z. C.
George Clark, Esq.,
Protector of Aborigines.

Enclosure (B.)

(No. 1.)

Sir,

Wanganui, 15 May 1844.

I HAVE the honour to inform you, that on the day of our arrival in this place, I despatched messengers with circulars addressed to the different tribes of Wanganui, requesting the early attendance of their chiefs, for the purpose of discussing the merits of their respective claims, and the amount of compensation they might be willing to receive for their lands within the district surveyed by the New Zealand Company. I have been in daily communication with the principal natives from that period, and regret that, after resorting to every expedient, and using every argument which I thought might influence their determination, I have been unable to procure a satisfactory termination to my negotiations, Te Mawae and the other natives who were not parties to the Company's purchase in 1840, having positively refused to accept of any payment whatever.

I had been previously given to understand, through the Rev. Mr. Taylor, as well as by letters from the natives themselves, that they were ready and anxious to receive a fair compensation for the surveyed block, excepting certain places of trifling importance; and cannot but express my surprise and disappointment at the alteration their views have since undergone. Under these circumstances, I submit to you the propriety of our deciding upon a definite sum of money which I may offer for their acceptance, to satisfy their claims in the surveyed block (the block to contain 40,000 acres, more or less), besides the paha, cultivations, burying-places and reserves, as stipulated in the arrangement between the Government and yourself. I regret to find that the sections numbered on the Company's plan "256 and 108," on the south side of the river, must be reserved for the natives, as they have always stated their intention not to part with them; and the consent they conveyed to the Commissioner, through Mr. Taylor, to accept the payment, was coupled with that express condition. I must also except their "Eel-cuts," and the "Lakes St. Mary Medina, Widgeon and Dutch Lagoon," as they will not consent to dispose of them, having been in the habit of fishing there many years.

I felt it my duty to reserve the places above named for the natives, convinced that they are not only necessary for their use, but that any attempt, on the part of the Europeans, to take possession of them, would only lead to constant misunderstanding between the two races.

I shall be ready to arrange with you the cession to the Company of four native reserves in lieu of the sections I have referred to; and as the remainder of the block of 40,000 acres may be selected by purchasers, I shall expect that in future one section shall be reserved for the natives out of every 10 that may be given out by the Company.

I beg to name 1,000*l.* for your consideration, as my estimate of the value of the native claims, but for the reasons above stated, it is not in my power to ensure its acceptance by the natives.

In conclusion, I may observe, that should you acquiesce in my proposal, I shall feel it my duty to report to the Government the circumstances of the case, and that the sum I have named is, to the best of my judgment, a full and ample remuneration for the native claims in the surveyed district of Wanganui.

I have, &c.

W. Wakefield, Esq.,
Principal Agent, N. Z. C.

(signed) *George Clarke, jun., P. A.*

(True copy.)

(signed) *George Clarke, jun.*

(No. 2.)

Sir,

Petre, 17 May 1844.

I HAVE the honour to acknowledge the receipt of your letter of the 15th instant, this moment delivered to me, and in order to enable Mr. Commissioner Spain to make the proposed offer to the natives at the court he has signified his intention of holding this day, I am prepared at once to place at your disposal the sum of One thousand pounds, which you therein state as your estimate of the native claims in the block of 40,000 acres, forming this settlement.

I beg to reserve a few observations on some parts of your communication for another occasion, and

I have, &c.

George Clarke, Esq., jun.,
Protector Aborigines.

(signed) *W. Wakefield,*
Principal Agent, N. Z. C.

(True copy.)

(signed) *George Clarke, jun.*

—No. 16.—

— No. 16. —

(Confidential.)

COPY of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*.

My Lord,

Auckland, 19 December 1844.

No. 16.

Governor *FitzRoy*
to Lord *Stanley*,
19 December 1844.

SINCE I last had the honour of addressing your Lordship confidentially (21 October 1844), the general state of this colony has improved in all respects, excepting as to the financial position of the Government.

Having allowed a very limited sale of land to take place in this part of the islands alone, from the natives to private colonists, and having removed the irritating restrictions of the customs, I no longer see or hear evidence of those bad feelings which were rapidly growing previous to the adoption of these measures.

The technical difficulties arising out of the closing of the custom-houses in New Zealand refer almost solely to the registry of shipping, and are met for the present by my signing certificates of registration, after their signature by the acting collector of customs (sent here from Van Diemen's Land to inspect the accounts of the late collector, Mr. Cooper).

On this subject I have to enter, in detail, in a public despatch.

It is satisfactory to be able to say that the practical working of the land arrangements (shown in the enclosed Gazette) answers my expectation. How far they will obtain your Lordship's approbation must be a source of deep anxiety to me for many months to come. While I am witnessing with satisfaction the beneficial results of these proceedings, it is possible that I may be censured, and that such unauthorized measures may be disallowed.

For the sake of the colony, much more than from any selfish feeling, I trust that such a disappointment may not be experienced. The effect of such a reverse upon the feelings of the natives, as well as upon the minds of all the colonists, would undoubtedly be very disastrous.

From the 29th of October to the 2d of November I was at Wellington, and thence went in Her Majesty's ship "Hazard" to Waikanae (near Kapiti), and to Taranaki (New Plymouth). The chiefs Rauparaha and Ranghiaita accepted the compensation money (400*l.*) previously refused, and promised me that the valley of the Hutt should be given up entirely to the New Zealand Company for settlers.

At Taranaki I was obliged to remain some time, to bring about an amicable arrangement between the English and natives; but my efforts were happily successful in that main point, however unsatisfactory they may at first appear to the New Zealand Company.

This Taranaki question is much too long and complicated, and the documents are too numerous to admit of my saying more here than that peace and goodwill prevail at that settlement. Your Lordship will not, I hope, think me remiss in not having all such documents sooner prepared for transmission; but urgently pressing daily duties, and the accumulation of arrears of public business, owing to my indispensable absences at other settlements, have prevented their completion. The enclosed memorandum on the subject is all that I can yet forward.

At the Bay of Islands the state of things is improving; but the seeds of mischief were too widely scattered there to be speedily eradicated. It is my duty to repeat to your Lordship my often-urged conviction, that an overawing force of regular troops is absolutely necessary to ensure the future tranquillity of this colony, the welfare of the natives as well as the settlers, and the development of its extraordinary natural resources.

A militia force, in the present peculiar and very critical state of our relations with the aborigines, would do more harm than good. Such irregular and (as must be the case in this colony) ill-disciplined bodies of men, might indulge their own personally hostile feelings, might do injury, through awkwardness or accident, and would thus bring on that system of retaliatory warfare upon unoffending and defenceless out-settlers, to the consequences of which, people generally, even in this country, are so fatally blind.

On this subject I would beg to draw your Lordship's attention to the enclosed confidential letters received by me from Mr. Commissioner Spain.

Among our resources, I would mention that new mines, generally copper, are
369. N 2 found;

No. 1.
6 December 1844.No. 2.
Memorandum, 2 Dec.
1844.No. 2 a.
Chief Protector's Me-
morandum, 1 October
1844.No. 3.
Mr. Hingston, 2 Nov.
1844.No. 3 a.
The Sheriff, 4 Nov.
1844.No. 4.
Mr. Spain, 12 April
1844.No. 4 a.
Mr. Spain, 2 July
1844.

found; so frequently that their discovery is scarcely noticed by those who are not personally interested, or have no means of working them. Not only is the percentage of metal in the ores unusually high, but the ore itself is accessible, beyond precedent in modern times.

Auckland is singularly well situated in the midst of a district which is not only surprisingly fertile, abounding in wood and water, accessible both by water and land from all directions, and extremely healthy; but surrounded by mineral riches which may go to supply the markets of India and China, as well as Europe.

Having fuller's earth, good clay, stone suitable for furnaces, sand of all kinds, wood, coal, iron and limestone, all in abundance, there is no reason, excepting one, why capital should not be employed most beneficially, to individuals as well as to the nation, in raising and smelting copper and other minerals, and exporting them from New Zealand to Europe, China and India; and that one reason can be removed.

Valuable property, and even life itself, will not be considered secure in this country, until it enjoys adequate military and naval protection.

Enclosed is a list of produce shipped at this port only since the repeal of the Customs Ordinance. It is but an earnest of what may soon follow

The harvest promises to be most abundant, and the crops seem to be of good quality.

The Tihore, or silky flax, is very superior to that kind hitherto exported from New Zealand; it requires some cultivation, and is now much in demand. The ropemakers here cannot get nearly enough for their use.

The wool of this country is found to be particularly good, combining length and evenness of fibre with fine quality. A fleece, shorn a few days ago from a young Leicester merino sheep born near Auckland, weighed seven pounds and three quarters, and is of beautiful quality. Fleeces of pure merino have weighed six pounds and a half. The sheep breed very fast and thrive well.

Shoes made of leather grown and tanned here are very durable. Indeed I may well say that in no healthy country have I seen or heard of such productiveness, both animal and vegetable, combined with any thing like such a store of mineral resources.

By the help of the debenture currency all actual distress has been avoided; there is not and has not been any real destitution unrelieved.

Improvement is visible on every side, notwithstanding general poverty; and, with temporary assistance from England, the colony will flourish.

I must nevertheless remind your Lordship of the deep anxiety and painful state of uncertainty which I and the officers of Government must endure, not only now but for months to come.

No despatches have been received from England of later date than the middle of April, and no decision upon the questions so important to this country, respecting the customs and the sale of land, can be received before July next.

I have, &c.

(signed) *Robert FitzRoy*,
Governor.

Enclosure 1, in No. 16.

Encl. 1, in No. 16.

Governor *Fitzroy's* Proclamation, 10 October 1844, and Government Notice, 6 December 1844. *Vide* pages 21, 22 and 23.

Enclosure 2, in No. 16.

MEMORANDUM on the Arrangements in respect of the Land Question at Taranaki.

Taranaki, New Plymouth Settlement,
2 December 1844.

Encl. 2, in No. 16.

IN February 1840, Mr. John Dorset and a few natives of the Ngo-motu and Puketapu branches of the Nga-ti-awa tribe, executed a deed purporting to convey certain lands to the New Zealand Company. The principal parties to this transaction were Messrs. John Dorset, Jerningham Wakefield, Richard Barrett, and about 40 native men and boys.

The

The deed above-mentioned refers to chiefs and their signatures only, whereas not one-third of those that signed were chiefs even of the lowest degree, and not one was a chief of any note.

They were a small party of refugees from the conquering Waikato tribe, who had recently overrun the Taranaki district. From these men the boundaries of lands owned or claimed by the whole Nga-ti-awa tribe, were obtained by description, and were set down in the aforesaid deed, but the natives who gave them were ignorant of the purpose for which they were sought.

At this time all the families of the Nga-ti-awa tribe, one of the largest in New Zealand, were scattered along the coast between Otaki, Porirua and Petoni, or on the northern shores of the Middle Island, or were in captivity among the Waikato, who had lately invaded and desolated the Taranaki and Waitera country; and these beautiful districts, excelling in soil, climate, abundance of wood and water, level country, and the best flax (tihore), were temporarily depopulated. But although they were thus almost without inhabitants at the time of the Company's supposed purchase of the whole country near Taranaki and the Waitera, they were neither wholly deserted nor permanently abandoned, as the presence of a small remnant of the Nga-ti-awa tribe at Nga-motu proves.

These districts were not occupied or settled in any way by the Waikato, who merely overran them, and then immediately retired to their own country, without cultivating the soil or constructing dwellings. Nevertheless as the Waikato claimed to be the conquerors of the Waitera and Taranaki country, and were not only nearer at hand, but much more formidable than the dispersed Nga-ti-awa, it was thought advisable to make a considerable payment to the principal chief of that powerful tribe, in consideration of his claim on behalf of the Waikato generally.

At the time of the desolating invasion above mentioned, by far the greater number of the Nga-ti-awa, with their principal men, were absent on a hostile excursion in the south. Those who suffered by death or captivity were an inferior minority.

Early in 1842 the influence of Christian teaching induced the Waikato to release their so-called slaves from captivity, and allow them to return to their own land. Some availed themselves of this freedom: others stayed among the Waikato, by their own choice. Those who returned to the land of their fathers found that some of it was occupied by strangers, who said they had bought it, and that it was no longer the land of the Maori.

Parts of this land so claimed were all or the greater portion of the only places on which these returned; Nga-ti-awa could locate themselves, without intrusion, on ground claimed by others, and they disputed the right of the stranger by various annoying methods short of actual hostility; they cut down his trees; they refused to let him extend his cultivation; they stopped up his roads, and threatened him with personal violence.

Altercations of course ensued; disputes increased, and became more serious as more natives returned, not only from Waikato, but from the southern region, which they found less inviting, than the land of their birth.

At last the Company's claim to any land at Taranaki became matter of question, if not denial; and in June 1844, Mr. Commissioner Spain undertook a formal investigation of the subject at New Plymouth.

Mr. Spain's opinion was against the claim of the Nga-ti-awa. He considered that their country had been conquered by the Waikato, to whom adequate payment had been made, and that the right to sell lay in them and the few persons in actual possession at the time of purchase. He considered that those who had been taken prisoners and carried into captivity had forfeited all right and title to their land; and that the other Nga-ti-awa had parted with their claim by having abandoned or lost their country.*

The purchase made by the New Zealand Company was deemed valid, and no further payment to any natives was thought necessary.

These opinions Mr. Commissioner Spain made known to the assembled natives as his award, stating, however, that it must be ratified by the Governor to make it final.

The disappointment and anger of the natives was so plainly shown, that considerable alarm prevailed throughout the settlement; and after Mr. Spain's departure, which took place in a few days, an express was sent off to the Governor, at Auckland, asking for military assistance in the most pressing terms, as the only security for life itself.

The Governor immediately despatched a confidential person with special instructions overland to Taranaki, and himself embarked on board Her Majesty's ship "Hazard," and hastened thither. The bishop also repaired to the scene of difficulty with the utmost celerity, travelling from Auckland by Kawhia to Taranaki in eight days; while Mr. Whitely, the Wesleyan missionary at Kawhia (sixteen years resident in that part of the country), preceded them.

Mr. Spain's award was made known in the (middle) of June, and on the 3d of August a large meeting of English and natives were assembled at New Plymouth to hear the final decision.

The Governor informed the assembly that he did not take the same view of the question as Mr. Commissioner Spain, and that he should not confirm the award of that gentleman, however

* See Mr. Clarke's note enclosed.

however carefully and conscientiously it had been weighed and delivered. On points of law, especially the law of New Zealand, considered with reference to national laws in general, authorities might differ without prejudice to the opinion of either, but it was for him, the Governor, to decide. He would immediately cause further investigation to be made, as to the various claimants to particular portions of land. He would then endeavour to make special arrangements with those claimants, and he would allow, in all their integrity, the claims of those of the Nga-ti-awa tribe who were not parties to the sale in 1840. As time would be required for these additional inquiries, he would now return to Auckland and the Bay of Islands, where his presence was imperatively wanted, and would again visit Taranaki in about two months, to endeavour to adjust this land question satisfactorily. Meanwhile he recommended and urged upon all parties the exercise of forbearance and conciliatory conduct (in which the Governor's advice was effectively supported by the bishop, as well as by Mr. Whitely), assuring them all that the British Government would never countenance injustice or misconduct in any place or in any person. With the proceedings at this meeting all parties appeared to be satisfied; and the minds of the natives were disabused of the impression that they might be dispossessed of their own lands. They readily promised to wait quietly till the Governor's return, their protector, Mr. M'Lean, having been instructed how to proceed. The Governor, with the bishop, embarked on board the "Hazard" on the 5th of August, and sailed for Auckland.

On the 8th of November the Governor again landed at New Plymouth, from Her Majesty's ship "Hazard."

Mr. Whitely, Mr. Maclean and Mr. Forsaith had prepared the way for an arrangement, which appeared to them, as well as to the Governor, the only one likely to be effected in a satisfactory manner; and immediate steps were taken to assemble the natives, and obtain their consent.

Various impediments and delays occurred; but by the 25th of the month, all the natives interested in the land on which the town is situated, and in its immediate vicinity, had consented to receive 350 *l.* in goods, money and animals, as a full compensation and completion of payment for a block of land at and around the town, containing about 3,500 acres.

This block not only affords space for the present wants of the settlers, but has sufficient surplus land to enable outlying settlers to exchange their sections, at a distance from the settlement, for others equivalent in value, within the boundaries above mentioned.

By thus concentrating the settlement, and narrowing the boundaries of the land at present occupied by settlers, the difficulties, if not disasters, apprehended to the settlers, in consequence of the long-meditated return of the Nga-ti-awa, will be avoided. The few absentee claimants to any portions of the town block, can be paid off as they arrive, in proportion to their actual claims (the extent of which are now fully known to the Protector, by comparing the various statements of their relations, on the spot), and their number is limited.

To enable the Company's agent to do justice to those who have purchased land outside of these new boundaries, and to enable him to procure more land for sale when required, the Crown's right of pre-emption will be waived, in favour of the Company only, within the large block (60,000 acres) already surveyed at their expense.

As the natives are, generally speaking, willing and anxious to sell the greater part of their lands, however tenacious of their right and choice, the Company's agent will not find it difficult to purchase portion after portion, for reasonable prices, provided that he does not injure his own market, by buying too much or too hastily.

Undoubtedly, it is the duty of the Company to make these purchases, in order to put their settlers in possession, and that the settlers themselves should be saved from further expenditure.

As the claims of those who had bought land near New Plymouth will be as good years hence as they are now, and as by far the greater part of the distant choices, not yet cultivated, are owned by Nga-ti-awa not yet returned, but intending to settle on or near them, it is extremely desirable that the agent should defer treating for those sections, until their real owners or the majority of them are on the spot.

By a reasonable delay, he will obtain not only much better terms from the natives, but a secure and definite transfer from the right parties.

Out of about 1,050 acre sections, surveyed and said to have been purchased by the Company, not 200 have yet been sold; therefore the matter is within compass.

An expenditure of about 3,000 *l.* spread over three or four years, may settle the whole question amicably.

Assuredly it is better to employ such a sum in establishing a respectable settlement in one of the finest districts of New Zealand, where many thousands of pounds have been already laid out in buildings, cultivations, roads and bridges, &c., than to waste it upon the neighbourhood of Wanganui, Manawatu or Porirua, for which Colonel Wakefield carried 3,000 *l.* along the coast, with Mr. Commissioner Spain, to be employed in completing the alleged purchase of those secluded but well-peopled districts, which the natives steadily refused to abandon.

As that sum will not be required for those places, it might be well employed at Taranaki.

(signed) *Robt. FitzRoy*, Governor.

Auckland, 2 December 1844.

Enclosure 2 a, in No. 16.

MEMORANDUM from the Chief Protector of Aborigines, on the Territorial Rights of Natives of New Zealand when in captivity.

MEMORANDUM for his Excellency the Governor, showing that the New Zealanders do not forfeit their territorial rights by being carried into captivity, or becoming captives. Encl. 2 a, in No. 16.

1. The wife of Moka, one of the principal chiefs of the Bay of Islands, was a captive from Wakatane, of the Wakatohea tribe. She had several children by Moka, the eldest of which was sent to Wakatane by his mother, to claim her territorial rights. His grandfather and uncles all acknowledged the equity of the claim, and the lands are held in trust for the children by their uncles. Had the chief Moka presumed to have claimed an acre of these lands in virtue of conquest, the claim would have been treated with contempt.

9. Puhe, a Ngapuhi chief, captured the daughter of a respectable chief in the vicinity of the East Cape; he afterwards married her, and had a family by her. In consequence of some disagreement with his tribe, she advised him, and ultimately prevailed upon him, to leave his tribe and proceed with her to the East Cape, to live upon her lands, where they at present reside. Were this chief to assume a right to these lands, grounded upon conquest, it would cost him his life. By his wife's consent and that of her friends, he resides there; he is looked upon as an alien, and considers himself in the light of a voluntary exile.

3. Pata, a respectable chief from Maungatautari, near Waikato, was taken captive by the chief Tareha, of the Bay of Islands. Pata offered to sell to some Europeans a tract of country which he claimed near Waikato; doubts were expressed as to the validity of his claims, he being a captive. They were expressed to his captor Tareha, who seemed astonished at the objections grounded upon his being a captive. Pata has since returned to take possession of these lands, and is now living thereon.

4. In the year 1839, the following captives, who had been living some years as such, among the Ngapuhi chiefs, viz.: William Hakopa, Abraham Koroka, Edward Wana, James Waiapu, with others whose names I do not now remember; these natives all returned to their respective lands at East Cape and Poverty Bay; they retain their rank as chiefs, claiming their landed property; and many of them are ornaments to Christianity.

A number of natives, captives from Tauranga, Bay of Plenty, have from time to time returned to their friends, and their territorial claims have never been disputed by their countrymen on the ground that they were once captives.

I could add largely to this list, were it necessary, in instances of the like usages amongst the Thames tribes, the Waikato and other tribes, showing the return of the natives from captivity, and their being placed in the same position they were in before their captivity. The cases I have alluded to all took place before the colonization of New Zealand, and long before anything of the New Zealand Company was known.

I have refrained from naming cases in connexion with the New Zealand Company's settlements, although I have a distinct recollection of some cases in point there. In their first settlement, a young man named Davis,* a landholder now living at Wellington, was a captive from Ngapuhi; and his influence has often been used by the gentlemen of Wellington in times of trouble.

(signed) *George Clarke,*
Chief Protector Aborigines.

October 1, 1844.

Enclosure 3, in No. 16.

Mr. Hingstone to Governor FitzRoy.

Wairoa, Port Russell,
November 2, 1844.

May it please your Excellency,

I AM induced to trouble you with a relation of the occurrences of the past week respecting the natives and myself, in the hope that your Excellency will be pleased to devise some means of protection for life and property, either of which I regret to say we at present hold on a very slight tenure. In proof of which, I may here state, that happening to be staying at Mr. Wright's when his horses were taken, I saw the natives lead two from the stable, and on Mr. Wright and I going toward them, they levelled their muskets at us, and threatened, if we approached to prevent them, they would shoot us; nor have I the least doubt, had we been so imprudent, they would have put their threat into execution. On the morning of the 24th instant, a native named Ruku, accompanied by 12 others all armed, came to my house; after asking for, and obtaining, flour, pipes and tobacco, left the house; next morning I missed a horse, and was told three days afterward, by Trua's grandson Tui, that my horse and his (Tui's) mare were stolen by Ruku and his party on the day he was at the Wairoa. Encl. 3, in No. 16.

On the 30th a native named Wiro came to my house to tell me that Peru, the son of Ruku, had stolen four of my horses, viz. two mares, a colt and a foal, off my own land; since which I have ascertained the native's statement to be correct. Permit me to state to your

* Well known as Maori Davis.

your Excellency, that it is not only the value of the horses I am robbed of, which in itself is far from inconsiderable (the two mares cost me 100 £), but their services, having just completed an inclosure of between 20 and 30 acres with stone fence, at no trifling expense; I am by losing my horses deprived of the means of ploughing or making any use of it; and should the natives return, as I am given to understand they will, and take my two remaining horses, the loss and trouble it will involve me in is beyond calculation, as I have upwards of 80 head of cattle, which, without the assistance of two horses, it will be utterly impossible to prevent trespassing on native cultivation. I am doing all in my power to prevent their being taken by sacrificing the grass that should have made hay for their winter food, as well as the seed, and keeping them locked up night and day in the stable, except when employed getting up cattle. Without wishing for a moment to dictate to your Excellency, I cannot help expressing a sincere hope that such prompt measures will by your Excellency be deemed necessary to be taken, as will not only cause the restoration of my horses and the two belonging to Mr. Wright, the natives still hold, but will put an effectual stop to horse-stealing, accompanied as it is by petty thefts and other acts of violence, which will sooner or later lead to bloodshed.

I have, &c.
(signed) *W. G. Hingstone.*

Enclosure 3 a, in No. 16.

The Sheriff of Russell to the Colonel Secretary, Auckland.

Sir,

Sheriff's Office, Russell, 4 November 1844.

Encl. 3 a, in No. 16.

I HAVE the honour to report to you, for the information of his Excellency the Governor; that on the evening of the 23d ultimo a party of natives, headed by George King, broke open the gaol at Russell (Okiaito), and stole therefrom, two muskets, four pistols, two cutlasses and one bayonet.

The gaoler and turnkey were at the time at Russell (Kororareka), superintending the prisoners who were condemned to hard labour at the last session of the Supreme Court.

Endeavours have been made to recover the arms, but hitherto without success.

I have, &c.
(signed) *Joseph Dixon, Sheriff, N. D.*

Enclosure 4, in No. 16.

(Private and Confidential.)

Mr. Spain to Governor FitzRoy.

Land Claims' Office, Wellington,
12 April 1844.

My dear Sir,

Encl. 4, in No. 16.

THE subject contained in this communication is so strictly of a private nature, so far as * * * * * is concerned in rendering me valuable assistance and expressing certain opinions, that in justice to that gentleman, and with a due regard to his peculiar situation with the aboriginal race of this country, I have deemed it prudent to keep it separate from the narrative contained in my letter 44/4, although it would have been far more convenient to have embodied it in that letter.

In the latter document you will find the reasons fully stated which induced me to seek the opinion of Mr. * * *, upon a letter I had addressed to Rauparaha, and which I intended to deliver if he approved of its contents; and I shall now commence with the valuable information I obtained from him respecting the present feeling of Rauparaha, Rangiaeata, and their followers, and which is generally participated in by the natives in this part of the settlement towards the Europeans, which he allowed me to use to you privately, and goes completely to confirm my previous opinions, so often expressed to the Government in my despatches and report.

Mr. * * * says, that since the Wairau affair, he has observed a great change; that up to that time they had a good opinion of the justice of the British Government; they feared our power and considered us a brave people; but that since that lamentable encounter, they disbelieve our just intention towards them, and look upon us as cowards; and therefore, we have not only lost our moral influence over them, but that they have ceased to fear our physical strength; and that having given the existing relations between the two races his most anxious and careful consideration, he has arrived at the deliberate opinion, that we must make a sufficient demonstration to convince the natives that the Government will not be trifled with.

Mr. * * * does not propose for one moment the shedding one drop of blood; but by showing our strength to produce a moral effect calculated to prevent a collision between the two races, which would only end in the shedding of a great deal, and unless this be done he is of opinion that we shall not regain our influence over the aborigines, and that the Government will be unable to assert the supremacy of the law amongst them. The fear of punishment which Rauparaha and Rangiaeata felt for some time after the Wairau (and which naturally greatly influenced their followers), has now ceased, and rendered those men more difficult of management than they were before that event.

Such

Such an opinion, coming from a single-minded man like Mr. * * *, who is devoting the whole of his valuable life to promoting the present and future happiness of the aborigines of this country, is entitled to great weight.

I must now call your attention to Mr. * * * letter to me and my reply, both inclosed; and so valuable do I consider the former that I have forwarded the original, which I will thank you to return me by post when you have done with it.

Mr. * * * promptly answered my letter of the 31st of March, and is now doing all he can to assist me; but the following passage in his last letter renders it impossible for me to send you a copy of it; viz. "I must, however, request you to put this letter in the fire when you have read it, and upon this condition alone shall I write to you." * * *

I am sure you will agree with me that as a man of honour I can make no further use of it; but you will, I trust, after reading the passage in my letter of the 31st March ultimo, stating my intention of sending his letter of the 27th March confidentially to you, say that I am now justified in doing so; and I am, as you may suppose, most anxious to put you in possession of the best possible information upon this important subject.

I need scarcely add that I most fully concur in Mr. * * * sentiments, that they are, in fact, identical with my own.

I have, &c.
(signed) W. Spain.

Mr. * * * to Mr. Spain.

My dear Sir,

Waikanae, 27 March 1844.

I HAVE this day received from Te Rauparaha the accompanying letter. I am ignorant of its contents.

I had a long conversation on Monday with him, his son, and Martyn, but it ended in nothing, as Te Rangihaeata was not present. He seemed a little offended at being charged with breach of faith, which he altogether denies. His defence of himself on that ground is, that he never made you any promise with regard to the Hutt; his claim to it was never investigated. Mr. Clarke deceived him in promising him a proper compensation, and then offering him less than he gave Tako. He says, that the question rests with Te Rangihaeata to decide; that in truth he himself has no right to dictate to Te Rangihaeata on the subject. It is probable that a little reasoning with Te Rangihaeata might effect the purpose; but he is so angry with Mr. Clarke for giving the Port Nicholson people so much money, that I fear little good can now be done by him in the matter. The ground of their objection to the proposed settlement is clearly their annoyance at the other natives having received so much as they have. The great alteration which took place in the minds of the old men after they left me, was occasioned, as I suspected, by the influence of the whites. It could be ascertained who they are. I think the Government ought to make the attempt, and, if possible, trace the moving party in the matter. One white man seems to have told them that 300 £. was an absurd sum to take, that they could not purchase a decent house for it in Wellington. Again, alluding to a small piece of land at Mana, that a piece of that description was worth 1,000 £. Another, whose name they mentioned, told them that the land they owned in the Hutt is worth 100,000 £. Can we be surprised, or blame the natives? All the difficulties which have arisen can be clearly traced to whites. Are they interested parties? i. e. do they wish to bring on a collision with the natives?

Toringakuri said that this was their last hope of maintaining their independence; if they abandoned the Hutt, they would be looked upon as slaves, &c.

If an agreement could be made with Te Rangihaeata, the affairs might be brought to a satisfactory conclusion; but even that would not alter my opinion which I gave to you the other day, in reference to the necessity of making a sufficient demonstration to convince the natives that the Government is not to be trifled with. To add more would only be to repeat what we fully talked over.

I am afraid I cannot encourage you to look to me for any help in the matter, as I shall be busily engaged with my people during Passion-week and Easter week; and subsequently, if my health permit, I shall proceed on to Taranaki.

Believe me, &c.
(signed) * * *

Mr. Spain to * * *

My dear Sir,

Wellington, 31 March 1844.

I HAVE to thank you sincerely for your letter inclosing one from Te Rauparaha; it reached me at Teikamaru, a native settlement on the coast, when it was verbally interpreted to me; and as I only returned late last night, my interpreter has not yet had time to make me a written translation. However, your messenger appears anxious to return, and I would not lose this opportunity of writing to you, to say how very grateful I am to you for the interest you have taken, and the exertions you have used in this matter, and by so doing have not only assisted me personally, but rendered the European as well as the native inhabitants of this colony a very valuable service.

The general tenor of the old man's communication confirms what you write. He denies having deceived me, but accuses Mr. Clarke of having told him lies, and deceiving him; and declares that Rangihaeata is the party who has the right in the affair.

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Notwithstanding,

Notwithstanding, I am not inclined to despair of ultimate success, though we must be patient for a while.

Having hitherto experienced the benefit of your good offices, I am emboldened to trespass still further on you; because I am aware that you know as much, if not more, of the native character than any man in the colony; and I would ask you if you would oblige me by writing yourself to Te Rangihaeata on this subject, recommending him to seek another interview with me.

I know I am taking a great liberty in doing so; but the importance of the subject, and my deep anxiety in the whole affair, are my only apology.

I think good might be done in this way; by trying what reasoning will do; and if he seek the interview, it will have double effect.

I perfectly agree with you in the propriety of Government endeavouring to trace the miscreants who have thus poisoned the minds of the natives, and hitherto frustrated our efforts; and as you say the natives have mentioned one name, I should feel exceedingly indebted to you if you would put me in possession of it, and put me in the way of learning from the natives themselves the names of the other Europeans to whom they allude. I am determined to use every means to bring these men to justice, if it be possible.

The great weight of the sentiments which your letter contains, as coming from a man who has had such excellent opportunities as yourself of studying the native character, and who from your neutral and uninterested position as regards the land question, have been able to watch calmly and at a distance its scope and tendency in all its bearings upon both the races, induces me to send a copy of what you have written to the Governor as a purely private communication; and it will, I am sure, be considered extremely valuable information.

Under all the circumstances, though Te Rauparaha's letter is not perhaps what I could have wished, I am still far from considering the case, in its present state, as desperate.

Again thanking you sincerely for your letter, and the trouble you have taken, and trusting you will allow the importance of the question to excuse the favours I have taken the liberty of asking at your hands,

Believe me, &c.

(signed) W. Spain.

Enclosure 4 a, in No. 16.

(Confidential).

Mr. Spain to Governor FitzRoy.

Sir,

Wellington, 2 July 1844.

Encl. 4 a, in No. 16.

THE various communications which I have had the honour to forward by post up to this date, will have put your Excellency in possession of my proceedings in the execution of my commission as fully as despatches written before the completion of the duty, and during my transit from one part of the colony to another, have afforded me the opportunity; but that portion of your Excellency's letter of the 3d ultimo, in which you are pleased to express a desire to receive further communication from me on the subject of the relative position generally of the European and Aboriginal races, demands my immediate attention; and I embrace the earliest opportunity of complying with your Excellency's wishes.

Further experience gained during the last six months while I have been, if not actually residing amongst, yet in constant communication with the natives respecting disputed claims to land, has led to the confirmation to the fullest extent, of the opinion I have before expressed as to the absolute necessity of the introduction into this colony of a naval and military force sufficiently strong to convince the natives of our power to enforce obedience to the laws, and of the utter hopelessness of any attempt on their part at resistance to its execution.

I have before so often had occasion to describe the cause which in my opinion first led the natives to doubt the justice of our intentions towards, and subsequently to suppose us too weak and too cowardly to attempt any coercive measures against them, that it is now needless to do more than advert to the effects produced; and the present actual state of the natives as regards their opinions of and intentions towards the European settlers.

At the same time I wish your Excellency clearly to understand that I intend my observations to apply to the districts in the south which I have visited, and which may be totally different from the districts in the northern part of the colony where the same causes have not existed to produce similar results.

In the execution of my official duties as Commissioner in the settlements of the New Zealand Company, in investigating the claims to land of that body, it has happened that, with scarcely an exception, I have had occasion to decide in favour generally of the natives. This circumstance would fairly lead to the inference that this race at least would now place confidence in my decisions, and show a disposition to abide by and obey them; but it is with regret that I am compelled to admit that the fact is precisely the reverse of this.

In cases where they have only sought for compensation, and never denied a partial sale, the moment the amount to be paid them was decided upon, they began to object to accept it, and to propose terms that could not be entertained.

In fact, it appears to me that they have determined totally to disregard British law and authority, and that they have come to the conclusion that we are not strong enough to enforce the one or maintain the other.

This

This state of things appears to me as detrimental to the interests of one race as the other; stopping the wholesome progress of colonization, and totally preventing the European settlers from benefiting the aborigines, by teaching them the usefulness of the habits of industry, and the advantages attendant upon civilization.

It appears to me that before we can now carry out the philanthropic principles that were stated to be the objects of the colonization of New Zealand, it is absolutely essential that we should, by a demonstration of physical force, show our actual power; and having once done this, I think their conviction of the real benefits conferred upon them by the residence amongst them of Europeans would speedily follow; and I am clearly of opinion that the actual introduction of a sufficient force is as necessary to the natives as to the Europeans.

In support of this argument I beg to state, that I have been assured from undoubted authority, that the majority of the rising native generation, who have enjoyed the advantages of education and Christianity, are of this opinion, being convinced that such a measure alone will insure the prosperity of the colony.

They say, "Do not send a few soldiers; that will do no good; but send so many that there can be no mistake about the power they would have in making the old men do what they ought." And as far as the European population is concerned, I consider that, unless the introduction of the force I have recommended takes place, an extensive colonization of these islands cannot be hoped for or reasonably expected.

The present disposition to encroachment manifested by the natives, and the unprotected position of the settlers in this part of the colony, are now becoming daily more visible to the European residents, and must soon become known to that portion of the English public whose attention, from various causes, is directed to the colonization of these islands.

We have every reason to anticipate, under favourable circumstances, the influx of a considerable and influential body of colonists; and the advantages to be derived by the native race from an intercourse with such a class of persons can scarcely be estimated.

I have now seen a great deal of the country, and I am preparing a detailed account of my late journey for your Excellency, which will afford you some interesting information, and may prove useful.

One fact, however, that has every day forced itself upon my observation, I think applicable to my present argument. I have travelled over a country where I found millions of acres of first-rate available land, upon which the human foot had scarcely ever trod, showing the capability of this country for maintaining a very large population; and it does appear truly lamentable that the present few inhabitants should be differing on the subject of land, when there is so much more of that commodity available for every purpose than can be required for centuries to come.

I am clearly of opinion that at the Hutt, Wanganui, Taranaki and other places, the natives attracted by European settlements, and feeling the advantages of bartering with the settlers, have come and cultivated land in the immediate neighbourhood of those places, which they would not otherwise had thought of taking possession of.

Again, at Taranaki I found the natives little disposed to abide by my award, and offering various obstructions to the settlers, not because they wanted the land themselves, but merely to prevent the Europeans from making use of it.

The places, then, that occur to me as requiring the immediate presence of a military force, are * * * *; and I should recommend an augmentation of the force at this place.

I think the appearance of the soldiers, and the occasional visit of a man-of-war, would alone produce the required effect, without rendering any positive attack necessary; and I am convinced that the residence of the military would soon restore confidence between the two races, and tend to their mutual benefit.

God forbid that I should recommend the introduction of a military force for the purpose of recklessly attacking the natives. My decided opinion is, that the moral effect produced by a demonstration will be alone sufficient, and will prevent the shedding of blood, which must otherwise sooner or later take place, and which would in all probability end in the ultimate total destruction of the aboriginal race.

I have, &c.

(signed) *William Spain.*

Enclosure 5, in No. 16.

A LIST of ARTICLES EXPORTED from the Port of *Auckland, New Zealand*, between the 8th of October and 4th of December 1844.

EXPORTS.

ARTICLES EXPORTED.	ESTIMATED VALUE IN STERLING.						
	Description and Quantity.	Great Britain.	British Colonies.			United States of America.	Foreign States.
			West Indies.	North America.	Elsewhere.		
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Arrowroot (produce of Tahiti), 1 cask	-	8 - -	- - -	- - -	- - -	- - -	8 - -
Bags (produce of New South Wales)	-	- - -	- - -	- - -	- - -	- - -	1 - -
Bark	-	12 - -	- - -	- - -	1 - -	- - -	13 - -
Botanical Specimens	-	3 - -	- - -	- - -	- - -	- - -	3 - -
Copper Ore	-	450 - -	- - -	- - -	830 - -	- - -	1,280 - -
Dye Wood	-	7 10 -	- - -	- - -	180 - -	- - -	187 10 -
Extract of Woods and Barks	-	10 - -	- - -	- - -	- - -	- - -	10 - -
Flax	-	- - -	- - -	- - -	36 - -	- - -	36 - -
" dressed samples	-	1 - -	- - -	- - -	- - -	- - -	1 - -
Fuller's Earth	-	1 - -	- - -	- - -	1 10 -	- - -	2 10 -
Gum	-	- - -	- - -	- - -	28 - -	- - -	28 - -
" Kauri	-	30 - -	- - -	15 - -	- - -	- - -	45 - -
Iron, British	-	- - -	- - -	25 - -	- - -	- - -	25 - -
Knees, Boats'	-	3 - -	- - -	- - -	- - -	- - -	3 - -
Manganese	-	67 10 -	- - -	2 - -	480 - -	- - -	549 10 -
Plants	-	5 - -	- - -	- - -	- - -	- - -	5 - -
Rope	-	- - -	- - -	- - -	15 - -	- - -	15 - -
Spikes, Hand	-	3 - -	- - -	- - -	6 - -	- - -	3 - -
Spars	-	- - -	- - -	- - -	- - -	- - -	6 - -
" Contract	-	450 - -	- - -	- - -	- - -	- - -	450 - -
Seed	-	- - -	- - -	- - -	2 - -	- - -	2 - -
Sarsaparilla Root	-	5 - -	- - -	- - -	- - -	- - -	5 - -
Sulphur	-	- 5 -	- - -	- - -	- - -	- - -	- 5 -
Timber	-	- - -	- - -	- - -	349 10 -	- - -	349 10 -
" Junk	-	48 - -	- - -	- - -	- - -	- - -	48 - -
" Plank	-	60 - -	- - -	- - -	- - -	- - -	60 - -
Umber	-	1 - -	- - -	- - -	- - -	- - -	1 - -
Whalebone	-	- - -	- - -	- - -	150 - -	- - -	150 - -
Wood	-	- - -	- - -	- - -	1 - -	- - -	1 - -
" Furniture	-	10 - -	- - -	- - -	- - -	- - -	10 - -
Wool	-	100 - -	- - -	- - -	- - -	- - -	100 - -
£.		1,975 5 -	- - -	- - -	2,080 - -	- - -	3,397 5 -

NEW ZEALAND.

COPIES of EXTRACTS of DESPATCHES from
the Governor of *New Zealand*, received since
those last presented to Parliament—(22 April
1845, Sess. Paper, No. 247).

(*Mr. G. W. Hope.*)

Ordered, by The House of Commons, to be Printed,
12 June 1845.

[*Price 2s. 3d.*]

369.

Under 20 oz.

NEW ZEALAND.

RETURN to an Address of the Honourable The House of Commons,
dated 6 February 1845;—*for*,

COPIES of LETTERS from Mr. *Shortland*, late Acting Governor, and Mr. *Busby*,
late Resident of *New Zealand*, to Lord *Stanley* and Mr. *G. Hope*.

Colonial Office, Downing street, }
6 March 1845.

(signed) G. W. HOPE.

(*Sir John Yarde Buller.*)

Ordered, by The House of Commons, to be Printed,
7 March 1845.

S C H E D U L E.

- No. 1.—Copy of a Letter from Willoughby Shortland, Esq., late Acting Governor of New Zealand, to Lord Stanley, dated 18 January 1845, with Enclosures - p. 3
- No. 2.—Copy of a Letter from Willoughby Shortland, Esq., to Lord Stanley, dated 27 December 1844, with Enclosures - - - - - p. 11
- No. 3.—Copy of a Letter from J. Busby, Esq., formerly Her Majesty's Resident at New Zealand, to G. W. Hope, Esq., with an Enclosure - - - - - p. 14
-

NEW ZEALAND.

—No. 1.—

COPY of a LETTER from *Willoughby Shortland, Esq.*, to Lord Stanley.

My Lord,

Torquay, 18 January 1845.

No. 1.

W. Shortland, Esq.
to Lord Stanley,
18 January 1845.

SINCE my arrival in England, I have read the Report of the Select Committee of the House of Commons, appointed "to inquire into the state of the colony of New Zealand, and into the proceedings of the New Zealand Company," which was presented to the House of Commons on the 29th of July ultimo, and I hope the position I had the honour to fill in the colony of New Zealand will afford a sufficient excuse for my offering, with great respect, to your Lordship a few observations on a subject so vitally affecting its welfare, and the more especially so, as I trust I may be allowed to say the Resolutions adopted by the majority of the Committee appear to me to uphold principles incompatible with those on which the colony was founded, and to propose a change in policy towards the aborigines, which would not only be inconsistent with the provisions of a solemn treaty, and the forfeiture on the part of Her Majesty's Government of pledges again and again reiterated to the natives, but would inevitably plunge the islands into anarchy and bloodshed; the aboriginal race would perish, swept away to gratify the avarice of a more powerful community; and the destruction of a people rapidly advancing in the knowledge of Christianity, and of the manners and customs of civilized life, would render useless the successful labours of years.

I do not here propose to trace progressively the history of the colony, nor to express an opinion on the policy of delaying its formation until the year 1840; such a course is rendered the more unnecessary since the draft Report offered to the consideration of the Committee by Mr. Hope, and the clear and comprehensive Resolutions proposed by Mr. Cardwell, and which were rejected by the Committee on a division of seven to six, express views, to the correctness of which I can from a long local experience unhesitatingly add my humble testimony; I shall therefore confine myself, in the remarks I am about to offer, to the treaty of Waitangi, and endeavour to show, that it was entered into in accordance with the principles of justice and humanity by which the formation of the colony of New Zealand was dictated; that the intention of the treaty was correctly understood and acted on by the Local Government, and the course pursued could alone have ensured the peaceable occupation of the country; and that none of the difficulties encountered by the New Zealand Company or the settlers have arisen from any error in the treaty, or the construction of it.

I believe I may safely assert, that the preservation and civilization of the native race, and the securing its rights and privileges from destruction, were the principles on which the colony was founded, and as a means to this end, most likely to prevent its being frustrated by any hostile collision between the European and aboriginal races, the natives were to continue to enjoy all property, and rights over property, they enjoyed at the formation of the colony, unless abandoned and conceded by them to the Crown, by their own free and intelligent consent.

By the treaty of Waitangi, "Her Majesty confirms and guarantees to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive and undisturbed possession of their lands and estates, forests, fisheries and other properties, which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession;" and "Her Majesty extends to the natives of New Zealand Her royal protection, and imparts to them all the rights and privileges of British subjects." Unfortunately, the Committee are of opinion, that in concluding and carrying out this treaty, Captain Hobson and the Local Government have acted erroneously, and that in so doing, "those rules as to the mode in which colonization ought to be conducted, which have been drawn from reason and experience, have not been sufficiently attended to;" remarking that, "when it was first proposed to establish New Zealand as a

No. 1.

W. Shortland, Esq.
to Lord Stanley,
18 January 1845.

" British colony dependent on New South Wales, Sir G. Gipps, Governor of the latter, in a very able address, laid down the following principles" (alluding to certain principles stated in the Report), " as those on which he framed the Bill, which it was his duty to submit to the Legislative Council, for the regulation of the infant colony of New Zealand." I presume that the Bill here alluded to is that which became " the Act of the Governor and Legislative Council of New South Wales, intituled, ' An Act to empower the Governor of New South Wales to appoint Commissioners with certain Powers, to examine and report on Claims to Grants of Land in New Zealand ;' " an Act made long subsequent to the treaty of Waitangi, and which was, I believe, deemed by Sir G. Gipps, and every other person concerned either in the enacting or carrying into execution that ordinance, to apply simply to the power of disposition by the Crown over lands, the native rights to which had been abandoned by them prior to the treaty of Waitangi, in consequence of the lands having been sold to British subjects ; and of the light in which that treaty was understood by Sir G. Gipps, stronger evidence can hardly be produced than the following quotations from addresses of his Excellency to the Legislative Council of New South Wales ; first, in his address in opening the Council, his Excellency, in alluding to the Bills to be brought under consideration, says, " Amongst them will be a Bill to authorize inquiries into the claims which are advanced by many of Her Majesty's subjects to tracts of land by virtue of purchase or cession from the chiefs or native tribes of those islands ; " and in his speech on introducing the Bill, after remarking, on its preamble and first enacting clause, that " the preamble is not necessary to the Bill, neither is the first enacting clause, which declares all titles acquired from the natives null and void ; the object of the Bill being principally, if not solely, to give certain powers to compel the appearance of witnesses and the production of papers." He concludes as follows : " Lastly, gentlemen, it has been said that the principles on which the Bill is founded, are derived from the times of Cortez and Pizarro, times when not only the rights of uncivilized nations, but also the rights of humanity, were disregarded." To this I answer, " that whatever may be the changes (and, thank Heaven, they are many) which the progress of religion and enlightenment have produced amongst us, they are all in favour of the savage, and not against him. It would, indeed, be the very height of hypocrisy in Her Majesty's Government to abstain, or pretend to abstain for religion's sake, from despoiling these poor savages of their lands, and yet to allow them to be despoiled by individuals, subjects of Her Majesty. It is in the spirit of that enlightenment which characterises the present age, that the British Government is now about to interfere in the affairs of New Zealand ; that it interferes against its will, and only under the force of circumstances, is evident from Lord Normanby's despatch ; the objects for which we go to New Zealand are clearly set forth in it ; amongst the foremost is the noble one of rescuing a most interesting race of men from that fate, which contact with the nations of Christendom has hitherto invariably brought upon the uncivilized tribes of the earth ; " and that no misapprehension could have arisen on the part of Captain Hobson when Lieutenant Governor, as to what were the views of Sir G. Gipps, I may remark, that the Land Claims Commissioners were appointed under the Bill of the Governor and Council of New South Wales, were selected in Sydney by his Excellency, and received very ample instructions directly from him, and that until the separation of the colonies (a period of ten months) they were independent of the local government in New Zealand ; and after the separation of the colonies, the inquiry of the Commissioners was pursued precisely in the same manner as it had been previously conducted, both as regards the claims of the old settlers and those of the New Zealand Company. The proceedings of the Court of Claims have always been considered to be regulated, not only by the treaty of Waitangi, but by the charter and instructions forwarded to Governor Hobson in 1841.

May I now request your Lordship's attention to the part of the Report where the Committee, in speaking of the treaty of Waitangi, express the following opinions : first, " that it would have been much better if no formal treaty what-ever had been made, as it was clear that the natives were incapable of comprehending the real force and meaning of such a transaction, and it therefore amounted to little more than a legal fiction, that the sovereignty over those islands might have been at once assumed without this mere nominal

" treaty ;

"treaty; and that there would have been no greater difficulty in obtaining the acquiescence in the assumption of the sovereignty, than in gaining their consent to the conclusion of the treaty." A careful perusal of the treaty, and of the various documents laid before the Select Committee, would not, I must confess, lead me to similar conclusions; but I will speak from my personal experience: I was present at the several meetings of the natives at Waitangi, Hokianga and Kaitaia, for the purpose of considering the treaty, and the impression on my mind at the time was, that the subject was fully understood by them, and they were quite aware of the nature of the transaction in which they were engaged. I was so impressed with this idea, and so struck with the shrewdness and intelligence of many of their remarks, at the first meeting at Waitangi, that at the subsequent ones I noted down the speeches of the chiefs, copies of which I have the honour to enclose, as they will serve to show to your Lordship, not only that the natives understood the treaty, but that they were peculiarly sensitive with regard to every question affecting their lands.

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Respecting the cession of the sovereignty to the Crown by the aborigines, without a reciprocal guarantee by the Crown to them of the perfect enjoyment of their territorial rights, I do not hesitate to say, such a proposition would not for a moment have been entertained by the natives, who, during the whole of the proceedings of the Government at the first establishment of the colony, manifested a feeling of great anxiety and mistrust in regard to the security of their lands; of this I could produce many instances, did space permit, but will content myself with noticing that the Church and Wesleyan Missionaries, possessing as they deservedly did, before the assumption of the sovereignty by Her Majesty, the unlimited confidence of the natives, incurred by their aiding the local government to effect the peaceable establishment of the colony, the suspicion of the aborigines, who frequently upbraided the missionaries with having deceived them, saying, "Your Queen will serve us as she has done the black fellows of New South Wales; our lands will be taken from us, and we shall become slaves." How, therefore, could the colony have been founded with the free and intelligent consent of the native owners of the soil on any other terms than those laid down by the treaty of Waitangi, viewed in the light in which it has always been understood and acted on by the local government?

After adverting to the treaty and the construction it received, the Committee proceed to remark, that if the treaty had been interpreted, "consistently with the ancient and acknowledged principles of colonial law, the most serious evils which have since arisen would have been avoided;" and "if native rights to ownership of land had only been admitted when arising from occupation, there would have been no difficulty in giving at once to the settlers secure and quiet possession of the land they required." . . . "The proceedings of the Commissioners appointed to inquire into the claims to land would have been simple and short; they would have had to inquire merely whether lands actually occupied by the natives had been fairly sold to the settlers by the occupants; and with respect to wild lands, whether Europeans claiming to have purchased them had done so at such a price, or had incurred such an expense in respect of them as to give the supposed purchasers not a right to the lands (for they could not derive a title from parties who did not themselves possess one), but a claim on the consideration of the Crown to have granted to them as an indulgence, more or less, according to circumstances, of the lands they had nominally purchased." Now the basis on which this argument rests is, that the Colonial Government in admitting native rights to extensive and unoccupied territory, has deviated from the principles laid down by Sir G. Gipps; and the assumption, that it is in regard to such territory the disputes and difficulties in settling the land claims have arisen. It is clear, however, that Sir G. Gipps could not have considered the treaty or the proceedings of the Commissioners as infringing any principle he intended to lay down, for had this been the case, surely he would not have omitted to insert in his Bill a clause respecting unoccupied lands, by which this supposed hurtful deviation would have been avoided; and it is highly improbable that a point of such importance could have been overlooked in his instructions to the Commissioners for their guidance. In neither, however, is there any allusion to the subject; but even were the assumption of the Committee as to the deviation from the principles laid down by Sir G. Gipps granted, this deviation could not have been the cause of the disputes and difficulties ascribed to it, for as yet the disputes which

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have arisen are not respecting "vast unoccupied territory" or "wild lands," but principally relative to paha and cultivations in the actual occupation or enjoyment of the native owners.

The disposition by the Government of the "vast and unoccupied territory," in regard to which so great an error is considered to have been committed, is a subject which has not yet required any interference; and this indeed might naturally be expected, for the lands which, either from their fertility or position, are most required for the settler, are generally occupied by the native tribes, and those which in any fair sense might be deemed waste or wild lands, are, from their remoteness or sterility, at present valueless for the purposes of colonization; to those the natives attach but little value; but the Committee is in error in supposing that no value was attached by the aborigines to unoccupied territory "until they learned to do so from Europeans;" on the contrary, the boundaries of their territory have always been a continual cause of strife amongst the different tribes; for although between hostile tribes in New Zealand, as in more civilized parts of the world, "the right by which territory was held was often that of the strongest," still a perfect knowledge of the lands of each tribe was always carefully preserved, and handed down with great accuracy from generation to generation; and the recovery of land formerly possessed by a tribe was always considered a sufficient cause for war, so soon as, either by alliance or otherwise, an accession of strength was gained by the weaker party.

The Committee, in confirmation of the opinions before alluded to, makes the following observations: "That precisely the same difficulties in establishing, to the satisfaction of the natives, the validity of sales of land alleged to have been made by them, which in the settlements of Cook's Straits have been attributed to the careless mode of proceeding adopted by the Company's agent, have since been experienced to as fully as great extent with respect to purchases made on behalf of the Government in the northern part of the island, by the Protector of Aborigines himself." On what slight ground, however, this conclusion rests, will appear, when I inform your Lordship, that the case cited by the Committee is the only one of dispute in regard to a purchase of land by the Government, which arose during the time I was connected with the colony, and this, as I shall be able to show, a case of a nature wholly dissimilar to those of disputes between the natives and the New Zealand Company; and that out of the seven hundred and fifty (750) claims of the old settlers, which had been adjudicated by the Commissioners, not one single instance of any objection being offered by the natives to the taking possession of the lands awarded to the claimant had arisen: whereas the Company's claims in every settlement have been disputed, and the opposition made to the occupation of the lands offered to the choice of the settlers by the Company's agent has not arisen respecting lands, the Company's title to which had been proved to the satisfaction of the Commissioner; but in regard to lands which either had not been adjudicated on by the Commissioner, or had been proved to his satisfaction to belong to the natives, who disputed the Company's title to them.

I will now relate the circumstances under which the lands at Wanganui were purchased by the Colonial Government.

Shortly after the arrival of Governor Hobson in New Zealand in 1840, disputes arose between two tribes which reside in the northern district of the island, and of which Nopera (or Noble) and Pororua are the principal chiefs, in respect to certain lands which had been sold to Europeans, the title to which was the cause of dispute. The claim of Pororua arose from conquest and possession, that of Nopera was derived from his ancestors, who had been the former possessors of the soil. Governor Hobson, at the instance of the Protector of Aborigines, with a view of preventing these threatened disturbances between the tribes, directed Mr. Clarke to purchase the undefined rights of the contending parties, by a payment to each of one hundred pounds (£100); this then produced the desired effect, and tranquillity was restored, and was preserved until shortly previous to the arrival of Commissioner Godfrey at Wanganui, to hear the claims in that district, when the tribes again assembled in arms and obstructed the proceedings of the Court of Claims in the manner described by the Commissioner; peace, however, was shortly afterwards established through the exertions of the Reverend Henry Williams and Mr. Clarke, and has since been preserved; the chief, Nopera, who was the principal cause of the war, visited Auckland previous to my leaving New

New Zealand (in July 1844), he expressed his contrition for what had happened, and I do not anticipate any further dispute will again arise. I would remark, that during the quarrel the sales of the land by the chiefs to the Europeans were not denied by either party; the denial of Nopera was confined to his having disposed of his rights to the Government for so inconsiderable a sum as one hundred pounds (£.100).

Having offered these observations on the report of the Select Committee, it may not be irrelevant for me to express to your Lordship my opinion as to the causes to which are to be attributed the difficulties experienced by the New Zealand Company in its attempt at colonizing New Zealand.

The first, indeed I may say the principal, of these causes, was the imperfect manner in which the purchases of land, by the Company's agent, were conducted. The report of Mr. Spain, whose exertions were unwearied in endeavouring to bring to a favourable conclusion the arduous duties entrusted to him, so fully establishes this position, that any further remarks from me on the subject may appear unnecessary; but I cannot forbear bringing to your Lordship's notice an account given by the Company's agent, Colonel Wakefield, of the manner in which one of his principal purchases from the natives was effected. In this account, after detailing a meeting with the Karfia tribe, in which the tribe agrees to sell him all the land the tribe possessed on both sides of Cook's Straits, and referring to interruptions which took place in perfecting the agreement, he thus describes the final completion of the purchase: "After our conversation," says Colonel Wakefield, alluding to a conversation with a native chief named Hiko, "which we managed to carry on without an interpreter, he and Rauperaha came on board with me, unattended by any followers. I also took with me Captain Lewis, a respectable American, resident as a whaler on Hiko's island. When on board alone, the two chiefs seemed to agree to lay aside their mutual jealousies; they looked over the plates in Cook's Voyages, and talked of the English having been the first to come to see the country. They then begged to have the Deed of Conveyance read to them; this was done in the presence of Captain Lewis and all our party, and translated in all its important parts to their perfect understanding. The map of the territory to be ceded was also again shown them, and they pointed out to what places they had claim, and told me that no one lived on most parts of it, and that a great deal of it was of no use to any one, and least of all to them." They then signed the deed. I have thus acquired," says Colonel Wakefield, "possessions for the Company extending from the 38 to the 43 degree of latitude on the western coast, and from the 41 to the 43 degree on the eastern;" and he concludes by remarking, "I have not obtained a title to all the lands within these parallels."

After reading this description of the manner in which a purchase was conducted, on which a claim has been founded by the Company to some millions of acres, is it surprising that disputes should arise on taking possession of lands thus acquired, when it is admitted, in the first instance, that no interpreter was present, and that the deed was signed by two chiefs, unattended by any followers; a course rendered the more extraordinary by the circumstance, that, in the former instance, the dealings were with the tribe; in this latter, the one where the purchase was concluded, it was confined to two chiefs alone. May I now request your Lordship to turn from this description to the reports of Mr. Clarke, Chief Protector, and Mr. Shortland, Protector of Aborigines, explaining the nature of the tenure whereby lands are holden by the aborigines in New Zealand? With habits and customs, as detailed in those reports, could it be possible that the insurmountable difficulties which must have arisen could have been overcome in such a manner and in so short a space of time? But it is unnecessary for me to speak hypothetically, when I may remind your Lordship that the local Government has found it altogether impracticable to deal with the natives for blocks, insignificant in extent when compared with alledged purchases of the Company. On this subject I had the honour to address to your Lordship a despatch, submitting a plan for obviating the difficulties experienced in purchasing lands by the Government from the natives.

Another cause of the Company's failure may be attributed to the taking possession of, surveying, and offering to the choice of the settlers, by the agent, lands, not "wild and waste," but paha and cultivations actually in the occupation or enjoyment of the natives, the sale of which was disputed by them, and which had not been reported on by the Commissioner. As an instance of these intru-

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sions, I will mention that the paha Te-Aro, Pepitea and Kumutoto, in the town of Wellington, and numerous cultivations contiguous to them, were proved, by the evidence of Richard Barrett, who was employed by the Company's agent in concluding his purchase of the Port Nicholson district, and was his interpreter, not to have been included in his purchase from the natives. Similar instances occurred at Porurua, Wanganui and Taramaki; but it would be beyond the limits of a letter to enter into further detail. In the evidence of some of the witnesses before the Committee, it is said, that the first instance of the repudiation of the sales took place after the arrival of Governor Hobson and Mr. Clarke at Wellington in 1841; and I presume it is left to be inferred, that the repudiation arose at the instigation of either the Governor or Mr. Clarke, the chief protector. Now I can from personal knowledge state, that when I first arrived at Port Nicholson (in June 1840), the survey of the town of Wellington was in progress; the work was repeatedly interrupted by the natives removing the surveyor's points; and on the occasion of a house belonging to a Mr. Revans, which had been brought in a boat from Pitoni, the site first selected for the town, being landed on the beach near paha Te-Aro, the pieces were thrown again into the sea by the natives; and a few days after, a serious breach of the peace took place on a similar occasion. This circumstance was reported by me to Governor Hobson, and is included amongst the Parliamentary Papers.

The evil effects of these causes of failure I have now noticed, might, however, have been obviated, had the Company's principal agent fulfilled the agreement entered into by him, at his own instance, with the colonial government, that the Company should make good its alleged purchases by further payment to the natives, in cases where it was proved to the satisfaction of the Commissioner, that no purchase had been previously effected. The plan of making these payments is deemed objectionable by the Committee as stimulating native avarice; a view which might be correct, were the further payments to have taken place in regard to purchases proved before the Commissioner to have been made, but cannot with justice be applied to the agreement in question, for by it payments are only to be made in such cases where it has been proved that the pretence of purchase by the Company was without foundation. The circumstances of this agreement, and its non-fulfilment by the Company's agent, is contained in the despatches from the local Government to your Lordship, laid before the Committee, and forming part of the Appendix to the Report.

Before concluding my letter, may I be permitted to refer to the following remarks of the Select Committee respecting "the jealousies" and unfriendly relations "created between the respective servants of the Crown and of the Company?" It is admitted by the Committee, "that enterprises of colonization should only be entered upon by the sanction and under the authority of the Government;" and an opinion is expressed in the first resolution, concluding the Report, "That the conduct of the New Zealand Company in sending out "settlers to New Zealand, not only without the sanction, but in direct defiance "of the authority of the Crown, was highly irregular and improper." The Committee further remark, "that this mode of sending out the first settlers, "had the unfortunate effect of placing these settlers and the agents of the New Zealand Company, from the very outset, on unfriendly terms with the officer "whom Her Majesty's Government found it necessary to immediately despatch from England, for the purpose of establishing the authority of the "Crown in the islands of New Zealand; and there can be no doubt that this "want of a good understanding between those whose cordial co-operation with "each other was so essential to the welfare of the newly established colony, "has been one of the main causes of the difficulties with which it has had "to contend." Now, so far as the officers of the Government were concerned, and very particularly Governor Hobson, I feel it my duty most respectfully but firmly to deny that any difficulties whatever have arisen to the Company from any unfriendly feeling or want of cordial co-operation on the part of the servants of the Crown; and I beg to assure your Lordship, that every facility, consistent with a due regard to the interests of the colony and of the natives, has always been afforded to the officers of the Company; whereas, on the part of the officers of the Company, the same system of acting, "not only without the sanction, but in direct defiance of the authority of the Crown," has been uniformly pursued. It was in the spirit of facilitating the attempts of the Company to colonize, that Governor Hobson, in 1841, proposed to the Company's agent a plan whereby his imperfect purchases might have been adjusted; and it

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was in the same spirit I co-operated cordially with the agent, when he proposed the agreement to which I have before alluded, and which was abandoned by him when nearly brought to a favourable termination by Mr. Spain.

It was on the system of acting "without the sanction, and in direct defiance of the Crown," that the Company's agent opened the districts of Wanganui and Taranaki for selection by settlers, in defiance of a notice of the local Government to the settlers, that those lands had never been conveyed to the Company; and that unauthorized intrusions have been continually made into paha and cultivations in the actual occupation and enjoyment of the natives.

I have, &c.
(signed) *Willoughby Shortland.*

Enclosures in Letter from *Willoughby Shortland, Esq.*, to Lord Stanley.

(No. 1.)

SPEECHES of the CHIEFS, at a meeting holden at *Kaitia*, for the purpose of obtaining the adherence of the Native Tribes of that District to the Treaty of *Waitanga*.

Chief Taylor.—THIS is my speech. We have always been gentlemen; we do not want a shepherd; we will not be hindered getting wood; we formerly cleared any spot of land we liked; burnt the wood; then some one came and built a house on it; then we quarrelled.

A Chief.—The Pakehas say the Governor comes to take the land. This is the first time I ever heard the Buke Buka (treaty); the Pakehas explained it differently; some people say plenty of Pakehas are coming to buy our land, but not for our good; they say the soldiers are come to shoot us, and that the Governor will not be a shepherd for us; they say Mr. Pukey and Mr. Mathew know what is to become of us, but will not tell us. These are my sayings.

William.—They tell us you are come to murder all the Maories; but if your works are good, you will come to preserve us. If you are like the Missionaries, that will be good. We fear the soldiers.

Davis.—I say, yes; I say, yes, for the Queen; although other men say no for the Governor; I say, yes. If the Governor come to be our shepherd, that is good; but if he come to take our land, I will not have him. If you say, who makes me say, yes; I say, my own heart. Much land has been bought by the Pakehas. Let it not be said it has been taken by the Governor. It has been taken before. I have nothing more to say. If you have any thing to say, say it now; but do not go home and grumble.

Forde.—Let all our sayings be one; let none say no. The Governor has not taken our land; it was taken before; my heart and my thought, are with the Governor; I say, yes, yes.

Marsden.—We shall not be slaves. Had we gone to other lands, we might have been slaves; they have come to protect us; let not our hearts be dark; let us not listen to words from afar; let us see first. Is it not sin to murder, to commit adultery, to tell lies; if what we hear from our teachers be true, then what we hear from the Governor is not a lie.

Toketau.—I have no land to give the Governor; we were gentlemen before; we shall be greater now. Now we have more blankets, shirts and trousers; our houses were once rush. they are now better. I have made my speech.

Busby.—Before the Pakehas came, we loved our own people; we sometimes quarrelled; then made war; then we made peace again, and rubbed noses; then we had another battle. I am glad you are come; let our hearts be one. If quarrels happen, who will settle them? you are so far off. Murder and theft may be repressed, but what shall be done with adultery; it is carried on privately; do not let it be said I hide any thing.

Pi.—It will be good to see all the adulterers hanged in a row.

Mathew.—Will a man be taken up if he walk in the night? that is all I am afraid of. If a man steal, it is right to punish him. This is all I have to say; let all the Governors and Pakehas be like the Missionaries, that we be good; we have not been hurt by them.

Mattu.—If your thoughts are as our thoughts in Christ, let us be one. We believe your hearts to be good. The Pakehas bought all our land, and we have no more.

Broughton.—There is only one great man that cannot be killed, that is the tongue; it often stirs up great wars. My father, Noble, was sitting in his house reading his Bible, when they said he was gone to the north to kill the people. I say, send away Pikopo (Roman Catholic Bishop), send him back; he is the cause of strife among us.

Nopera.—Hear all of you, Pakehas and Maories. This is what I say. My desire is, that we should all be of one heart; speak your words openly; speak as you mean to act, do

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not say one thing and mean another. I am at your head. I wish you all to have the governor; we are saved by this; let every one say yes as I do; we have now some one to look up to; I am jealous of these speeches; I hear from the Pakehas, be careful not to listen to bad men; many say it will be the Pakehas who will offend, but I say it will be the Mauries; my grandfather brought the Pakehas to this very spot, and the chiefs agreed with all he did; some went on board the ships; they got great trade, which was spread through the land; let us act right, let the Ngapuhi do what they like. The Pakehas went to the bay, and were murdered; let us do them no harm; my grandfather did none; what wrong has the governor done? the shadow of the land goes to the Queen, but the substance remains with us; the governor will not take our land; we will get payment as before; let all be of one mind; if the Ngapuhi commit evil, they will suffer; our people have been friendly to the Pakehas; they never went to Port Jackson and to England to get arms to kill their countrymen; if you want to be cut off, go and fight the governor; live in peace with the Pakehas; we have now a helmsman; before every one wanted to be helmsman; one said, let me steer, another, let me steer, and we never went straight; be jealous, look well into your hearts, and commit no evil; the Mauries did wrong at the bay, and they suffered; what man of sense would believe that the governor will take our food away and give us only a part of it? If you have anything else to say, say on; if not, finish, and say yes.

Upon which there was a general exclamation of "Ai" (yes), and all came forward in an orderly manner and signed the treaty, in number 60.

(No. 2.)

SPEECHES of the CHIEFS at a Meeting holden at Hokianga, for the purpose of obtaining the Adherence of the Native Tribes of that District to the Treaty of Waitangai.

Chief Tainui.—We are glad to see the Governor; let him come to be a Governor to the Pakehas (Europeans). As for us, we want no Governor; we will be our own Governor. How do the Pakehas behave to the black fellows of Port Jackson? They treat them like dogs! See! a Pakeha kills a pig; the black fellow comes to the door, and eats the refuse.

Papakia.—What is the Governor come for? he, indeed! he to be high, very high, like Manugatanima (a high hill near Hokianga), and we low on the ground, nothing but little hills; no, no, no! let us be equal; why should one hill be high and another low? This is bad.

Moses.—How do you do, Mr. Governor? All we think is that you come to deceive us; the Pakehas tell us so, and we believe what they say; what else?

Tainui.—We are not good (or willing) to give up our land; it is from the earth we obtain all things; the land is our father; the land is our chieftainship; we will not give it up.

Kaitoke.—No, no, Mr. Governor, you shall not square out our land and sell it; see, there, you came to our country; looked at us; stopped, came up the river; and what did we do? We gave you potatoes, you gave us a fish-hook; that is all; we gave you land, you gave us a pipe; that is all. We have been cheated; the Pakehas are thieves; they tear a blanket, make two pieces, and sell it for two blankets; they buy a pig for one pound in gold, sell it for three; they get a basket of potatoes for sixpence, sell it for two shillings; this is all they do, steal from us; this is all.

Tainui.—Ha! ha! ha! this is the way you do; first, your Queen sends missionaries to New Zealand to put things in order, gives them 200 l. a year; then she sends Mr. Busby to put up a flag, gives him 500 l. a year, and 200 l. to give to us natives; now she sends a Governor.

His Excellency.—Speak your own sentiments, not what bad men have told you.

Tainui.—I do; have not I been at Port Jackson? I know Governors have salaries.

Ngaro.—Welcome, welcome, welcome, Governor! here are the missionaries; they came to the land; they bought and paid for it; else I would not have them. Come, come! I will have the Governor; no one else perhaps will say yes; but I, Ngaro, I will have him; that is all I say.

Moses.—Where does the Governor get his authority? Is it from the Queen? Let him come; what power has he? Well, let him come; let him stop all the lands from falling into the hands of the Pakehas. Hear, all ye Pakehas! perhaps you are rum-drinkers, perhaps not; hear what is said by us; I want all to hear; it is quite right for us to say what we think; it is right for us to speak; let the tongue of every one be free to speak; but what of it? what will be the end? our sayings will sink to the bottom like a stone, but your sayings will float light, like the wood of the wan-tree, and always remain to be seen; am I telling lies?

Kaitake.—Let us choose our own governor.

Rangatira.—Welcome, Mr. Governor! how do you do? Who sold our land to the Pakehas? It was we ourselves, by our own free will; we let it go, and it is gone; and what now? what good is there in throwing away our speech? let the governor sit for us.

Moses.

Moses.—Suppose the land has been stolen from us, will the Governor inquire about it? Perhaps he will, perhaps he will not; if they have acquired the land by fair purchase, let them have it.

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Tainui.—Lo! now for the first time, my heart has come near to your thoughts. How do you do? How do you do? I approach to you with my whole heart; you must watch over my children; let them sit under your protection; there is my land too; you must take care of it; but I do not wish you to sell it. What of the land that is sold? Can my children sit down on it; can they, eh?

Here the chiefs Nene, Patnone, Rangatira, Tainui, &c., stepped forward, and sang a song of welcome; after which, Nene made the following speech.

Nene.—Listen to me, Governor; all of you listen to me; this is my speech: if the Baron De Thierry wishes to claim my land, why is he not here to-day? No, no, it was never sold him; does he think he shall have it? no, no, he shall not have any of it. That is all I have to say.

John King.—My speech is to the Governor. This is what I have to say: it was my father, it was Muriwai, told me to behave well to the Pakehas. Listen, this is mine: you came, you found us poor and destitute; we, on this side, say stay, sit here; we say welcome, welcome; let those on the other side say what they like; this is ours to you; stay, in peace; great has been your trade with our land; what else do you come for, but to trade? Here am I, I who brought you on my shoulders (who have been favourable to the introduction of Europeans), I say come, come, now you must direct us, and keep us in order; that is all mine to you; if any one steal any thing now, there will be a payment for it. I have done my speech.

A Chief.—How do you do? Here am I, a poor man; and what is this place? A poor place; but this is why you have come to speak to us to-day; let the Pakehas come, I have not any thing to say against it; there is my place, it is good land, come and make it your sitting place; you must stay with me; that is all.

Daniel.—What, indeed! do you think I will consent to other people selling my land? No, truly; if my land is to be sold, I shall do it myself; but no, I will not sell my land; I do not like the Pakehas to tease me to sell my land, it is bad; I am quite sick with it. This is my speech.

After this the principal chiefs came forward to sign the treaty.

— No. 2. —

COPY of a LETTER from *Willoughby Shortland, Esq.* to Lord Stanley.

My Lord,

Torquay, 27 December 1844.

I VERY much regret being again obliged to request your Lordship's attention to my private affairs, but the charge preferred against me by Mr. Somes, Governor of the New Zealand Company, in a letter to your Lordship dated the 24th November 1841, and the statements of certain witnesses before the Committee of the House of Commons, made evidently with a view of affecting my credit as a public officer, will, I hope, prove a sufficient apology for my now submitting the following statement for your Lordship's consideration.

I commence by extracting the following paragraph from Mr. Somes' letter:—"Mr. Shortland is the Governor's principal officer, being his Colonial Secretary. Of this gentleman's interest in the Manukau and Waitemata Company, we have no such public evidence; but your Lordship will think that we have sufficient to justify our belief, when we inform you, that it rests on the voluntary statement of Mr. Shortland's brother, who stated to one of our body, who is ready to vouch for the fact, that Mr. Shortland was a partner in the Manukau and Waitemata Company." I can assure your Lordship, that I never had, directly or indirectly, any interest whatever in the Manukau Company; moreover, that I did not at any time entertain an idea of becoming a partner in that Company, nor did I ever write to any member of my family on any subject bearing reference to it; and that consequently, it is quite out of the question that my brother could have made such a statement. I have the honour to enclose a correspondence by which your Lordship will perceive that I am prevented, for the present, by the absence of Mr. Arthur Willis, in New South Wales, from pursuing the inquiry I have commenced.

I must now ask your Lordship's attention to the evidence of Lieut. Mc'Donnell, where he states (Report, Question 458 to 464) that the war of Manganui "originated in land purchased by Willoughby Shortland, he said, for the Government, from Nopera, when, in fact, he was not proprietor of the land." He goes

No. 2.
W. Shortland, Esq.
to Lord Stanley,
27 Dec. 1845.

Printed Appendix to
New Zealand Com-
mittee's Report, p. 201.

Four Enclosures.
No. 1. Mr. Shortland
to Mr. Somes.
No. 2. Secretary of New
Zealand Company to Mr.
Shortland.
No. 3. Mr. Shortland
to Mr. A. Willis.
No. 4. Mr. Willis, jun.
to Mr. Shortland.

No. 2.

W. Shortland, Esq.
to Lord Stanley,
27 Dec. 1844.

on to state, that I "effected the purchase by money;" and in answer to the question, "Paid by whom?" he says, "By Willoughby Shortland." I have only to observe, that the statement is altogether incorrect, no purchase of land was made by me from the natives.

As regards the evidence of Messrs. Earp, Molesworth and Brodie, the best course I can pursue will be, to give a short narrative of all my transactions relating to purchases or sales of land in New Zealand.

Prior to leaving England in 1839, I bought a New Zealand Company's land order, which I sold in New Zealand in 1843, for one hundred and fifty pounds (150*l.*); the allotment alluded to by Mr. Earp belonged to Captain Seymour, R.N., it was sold to Mr. Earp by a Mr. Todd, a gentleman who I employed on Captain Seymour's behalf, and the conveyance was signed by me, for him, under a power of attorney; of this fact Mr. Earp must have been aware, if he ever read his conveyance.

I have already forwarded to your Lordship a full account of all the circumstances relating to the sale of my land to Mr. Porter; and in my despatch, dated 8th June 1843, I concluded by stating, and which I now again confirm, that "I do not possess directly or indirectly a perch of land in New Zealand, with the exception of the ground (in extent about an acre) on which I reside."

The last case on which I have to observe, relates to the purchase of a suburban farm, in the first instance bought for me, but afterwards transferred to Mrs. Hobson, under the following circumstances: having two horses and some cows, which I then depastured in the Government domain, but for which I should require some place on the arrival of the Governor, I requested Mr. Mathew to purchase for me, at a Government sale, whilst absent on a visit to the Company's settlements, a small suburban farm of about ten (10) acres, and to employ some of the newly-arrived immigrants to fence it: on my return I found that my request had been complied with, and I also learned the purchase had given rise to much clamour and misrepresentation, which induced me to transfer it to Mrs. Hobson, who wished to have the farm, and in whose name the Crown grant was issued, and I became her tenant.

That your Lordship may be in possession of every circumstance relating to land in which I was in any way connected, it is right for me to mention, that before leaving England for New Zealand, I undertook, for three personal friends, Admiral Hawker, Captain Seymour, R.N., and Mr. Luscombe, and for my brother who resides in England, to manage some land orders in the New Zealand Company's settlement at Port Nicholson, and to make some purchases of land; but on arriving in New Zealand, being then a member of the Government, I entrusted their affairs to agents, retaining myself the general superintendence as a friend, for friends; I herewith annex a schedule of the property belonging to those gentlemen; showing its nature and extent.

This, my Lord, is a full summary of every transaction relating to purchases or sales of land in New Zealand, in which I was in any way connected, during a space of five years. In conclusion, I have only to remark, that the evidence before the Select Committee was professedly derived from common report, and not from any knowledge of the witnesses of the facts stated; and at the time alluded to by Mr. Somes, in the letter before quoted, and where he informs your Lordship, that "the greatest of our alarms arises from our knowing that those whom official connexion places in a position to influence him (Governor Hobson), are precisely those who have the strongest personal interest in leading him to wrong our settlements," the only land I then possessed in the colony, was a section of one hundred and one acres (101) in the Companys' settlement at Port Nicholson.

I have the honour now to leave my case entirely to your Lordship's judgment, whether, by their inordinate extent, my purchases of land in New Zealand could have tended to injure the public, or to bias my judgment in the faithful discharge of my duty.

I have, &c.

(signed) *Willoughby Shortland.*

Printed Appendix to New
Zealand Committee's
Report, p. 449-452.

Enclosure, No. 5.

24 Nov. 1841.

Enclosures

Enclosures in Letter of *W. Shortland, Esq.* to Lord Stanley, of 27 December 1844.

No. 2.
W. Shortland, Esq.
 to Lord Stanley,
 27 December 1844.

(No. 1.)

108, Mount-street, Grosvenor-square,
 9 December 1844.

Sir,

AMONGST the Documents appended to the Twelfth Report of the New Zealand Company, I find, in a letter addressed by you to Lord Stanley, dated 24th November 1841, and marked "afterwards withdrawn, but again sent in, January 1843," the following paragraphs, to which I beg to draw your attention:—"In such a state, a governor must be completely under the influence of others; and the greatest of our alarms arises from our knowing, that those whom official connexion places in a position to influence him, are precisely those who have the strongest personal interest in leading him to wrong our settlements." And again, "Mr. Shortland is the Governor's principal officer, being his Colonial Secretary; of this gentleman's interest in the 'Manukau and Waitemata Company,' we have no such public evidence, but your Lordship will think that we have sufficient to justify our belief, when we inform you, that it rests on the voluntary statement of Mr. Shortland's brother, who stated to one of our body, who is ready to vouch for the fact, that Mr. Shortland, the secretary, was a partner in the Manukau and Waitemata Company."

I have to request the name of the member of your body who is ready to vouch for the fact that I was a partner in the Manukau and Waitemata Company.

I have, &c.
 (signed) *Willoughby Shortland.*

Joseph *Somes, Esq., &c. &c. &c.*

(No. 2.)

New Zealand House, Broad-street Buildings,
 13 December 1844.

Sir,

By desire of the directors of the New Zealand Company, I do myself the honour to acknowledge the receipt of your letter of 9th December, addressed to Mr. *Somes*, the Governor of the Company, in which, after quoting a communication made to Lord Stanley on the 24th November 1841, you request the name of the member of the New Zealand direction who (as you understand that communication) was ready to vouch for the fact, that you were a partner in the Manukau and Waitemata Company.

In reply, I am instructed to point out to you, that the fact offered to be vouched was, not that you were a partner in the Company in question, but that a director of the New Zealand Company had been informed by your brother that you were such partner.

In addition, I am instructed to acquaint you, that the director who received that information from your brother, was Mr. *Arthur Willis*.

I have, &c.
 (signed) *T. C. Harington.*

Willoughby Shortland, Esq.

(No. 3.)

Torquay, 21 December 1844.

Sir,
 HAVING received the letter, of which I enclose a copy, from the secretary of the New Zealand Company, and having never been a partner, or in any way connected with the Manukau and Waitemata Company, I request to be informed from which of my brothers, when, and under what circumstances, you obtained the information for which you are stated to be ready to vouch.

I am, &c.
 (signed) *Willoughby Shortland.*

Arthur Willis, Esq.

(No. 4.)

London, 26 December 1844.

Sir,
 My father, Mr. *Arthur Willis*, is at present in New South Wales; in his absence, your letter of the 21st inst. has come to my hands. In reply, I beg to state that, as I am wholly uninformed upon the point to which it refers, I cannot add more than that I will forward your communication to my father by the first opportunity.

I remain, &c.
 (signed) *Henry H. Willis.*

Willoughby Shortland, Esq., Torquay.

No. 2.

W. Shortland, Esq.,
to Lord Stanley,
27 December 1844.

(No. 5.)

SCHEDULE OF PROPERTY referred to in Letter to Lord Stanley, dated 27 Dec. 1844.

NAMES OF PARTIES.	NATURE OF PROPERTY.	EXTENT.	WHERE SITUATE.	HOW DISPOSED OF.
Admiral Hawker -	New Zealand Company's Land Order.	A. R. P. 101 0 0	Wellington -	Country section of 100 acres, sold.
Capt. Seymour, R.N.	New Zealand Company's Land Order.	101 0 0	Wellington -	Town allotment, sold to Mr. Earp.
G. T. Shortland -	Two Allotments - -	0 2 8	Auckland -	Unoccupied.
J. Luscombe, Esq. -	One Allotment - -	0 1 7	Auckland -	Leased and built on.
	Two New Zealand Company's Land Orders.	101A. each	Wellington -	Disposed of by his brother, Mr. James Luscombe, who resided at Wellington.

—No. 3.—

COPY of a LETTER from J. Busby, Esq., to G. W. Hope, Esq.

No. 3.

J. Busby, Esq. to
G. W. Hope, Esq.,
17 January 1845.

Sir,

38, Norfolk-street, Strand, 17 January 1845.

IN compliance with your request, I have now the honour to address to you, in writing, the substance of what I verbally stated to you respecting the late disturbances at the Bay of Islands.

The account which I have received does not differ in any material point from that quoted in some of the London Journals from a New South Wales paper, under the signature of "W. O. Hector;" but gives the additional information that two days after the flag-staff was cut down, "another party of natives came and put up another flag-staff, the inhabitants entertaining them with flour, &c. &c.;" that "they then came across to the point opposite, in a number of war canoes, with the police boat, and another boat containing a Romish priest; that Mr. Kemp" (the Protector of Aborigines for the district), "met them from Paihia, where they had a war dance, and again returned to Kourauka."

This was a hostile demonstration towards the party who cut down the flag-staff, and might lead to further disturbances. But my account further states, that the bishop was to have a meeting with the natives at Waimate; and it is hoped that he and the missionaries will have sufficient influence to keep them from following up their previous proceedings.

I would beg to remark that the letter signed "W. O. Hector," though written in a tone of aggravation, and complaining loudly of the outrages committed by the natives, only mentions (as far as my memory serves) their having occupied two houses, one of which they found vacant, and the other the residence of the individual, upon whom John Heke, the leader of the party, had a native quarrel to avenge; and their having killed two or three straggling pigs belonging to the inhabitants, which it is very probable they would send others to replace.

It is said that insults were offered to some English females; but though it would be wrong to affirm that nothing of the kind did take place, still I confidently believe that such insults were not of an aggravated character, and that they were confined to the case of one or two individual natives. It is the custom of the natives in their war dances to throw off their upper garments, but this proceeding could not properly be considered an outrage on modesty.

It is of more importance to remark, that though the shops were filled with every article on which the natives set a value, no allegation is made of any attempt to rob them.

From these considerations, and from an intimate knowledge of the character and conduct of John Heke during the last 11 years, as well as from the sentiments he has more than once expressed to myself, I have no hesitation in affirming that the act of cutting down the flagstaff was a premeditated act of defiance and rebellion against the Government, and though I am inclined to hope that few of the chiefs in the northern part of New Zealand would be parties to such an act, yet I am firmly persuaded that the majority, if not the whole, of the natives participate in the distrust and disaffection of which that proceeding is an evidence.

This

This disaffection may be traced almost exclusively to the conduct of the Government with respect to the land question.

When it was proposed to the natives to cede the sovereignty of their country to the Queen, the alleged grounds of that proposal were the great influx of Her Majesty's subjects into New Zealand which she could not prevent, and the impossibility of repressing the disorders which resulted from such a state of things, and of affording protection to the weak and well disposed of either race from the violence of men of an opposite character. The only motives alleged were those of benevolence and protection. The chiefs were persuaded to agree to the treaty (so far as it was executed at Waitangi), by their confidence in the missionaries and myself. But had we been aware that it was the intention of Her Majesty's Government to enter into a competition with the New Zealand Company in colonizing the country by the profits to be realized from the lands to which the natives were invited for their own protection to yield the pre-emption, we could not, with our knowledge of their feelings and sentiments, have conscientiously recommended them to agree to the treaty: nor had it been otherwise, would our recommendations have had any influence with the natives, provided the intentions of the Government had been made known to them.

It was not without a feeling of great uneasiness and alarm that we first became aware of these intentions on the part of the Government; and on the appearance of a notice from the Emigration Commissioners, that parties in England purchasing land in New Zealand to the extent of eight square miles would be entitled to a right of selection in any part of the colony, at a time when the Government had not acquired the possession of more than from 2,000 to 3,000 acres, a petition to the Queen was prepared on the part of the missionaries and myself, setting forth the excitement and disaffection occasioned in the minds of the natives, and the dangers to which we, as the advisers of the treaty, were exposed by this and other proceedings in violation of the treaty. But this petition was not forwarded to Her Majesty, as the missionaries afterwards decided upon petitioning or representing these facts through their society.

It may be advisable to state, that while Sir George Gipps' Bill relative to the New Zealand land titles was under discussion in Sydney, a New Zealander had been introduced by some person into the gallery of the council chamber.

This man went home, and created the greatest excitement and indignation amongst his countrymen, by his account of the proceedings he had witnessed. Shortly after which, a deputation of Christian natives waited upon Mr. Davis, of the Church mission, who was their pastor; and asked if it were indeed true that the British Government intended to take possession of their lands? Mr. Davis was then able to reply, that he believed there was no such intention. They then asked, if it were true that several ship loads of emigrants might be expected? To which Mr. Davis replied, that he believed there was some truth in that. When they asked, "What then is to become of us?" he endeavoured to soothe them with the assurance that they should be protected in their properties; but with many of them this assurance was ineffectual, and he was told, in very plain terms, that if they were betrayed, we had been their betrayers, and should be the first objects of their vengeance. John Heke belonged to the district from which this deputation proceeded, and it is very likely that he was a member of it, though I am not aware that such is the fact. He was also one of the party from whom I purchased the land, which the Government gave me notice they intended to deprive me of, in order to make it the site of a public township, and who sent me a message to give myself no uneasiness on that subject, for they who sold me the land would maintain me in possession of it. Indeed, it was with some difficulty that I could suppress their indignation at the questions which the Commissioners thought fit to put to them with reference to my title.

The sentiment has been universal amongst the natives in the neighbourhood of the Bay of Islands: that if the Queen (according to the enactments of the Land Claims Bill) deprived her own children of their land, it was only because she was not yet strong enough, that she did not interfere with theirs.

It, therefore, need excite no surprise, that they should consider themselves as overreached and betrayed, when that right of pre-emption which they were prevailed upon to yield to the Queen, for the benevolent purpose of protecting them from the fraudulent dealings of Her subjects, should be made the very instrument of realizing their worst fears. Whatever may be said of the

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J. Busby, Esq. to
G. W. Hope, Esq.,
17 January 1845.

desire of the New Zealanders to have our countrymen settled amongst them, they have always dreaded the approach of such numbers as should place them in our power. They are aware of the degradation to which the aborigines of other colonies have been reduced by the establishment of British dominion ; and they frequently refer, with pain and apprehension, to the conduct of the Governor of New South Wales towards " his friend Bungarahie," meaning the aborigines of New Holland and Van Diemen's Land, as represented in the person of their chief.

I was a witness to the baptism of John Heke and his children about six or seven years ago, and his fast flowing tears on that occasion showed how keenly he felt the solemnity of that sacrament and the obligations it imposed.

It is impossible for me to believe that he was at that time otherwise than a sincere and intelligent convert ; and though I have since heard actions imputed to him inconsistent with his Christian profession, I have no difficulty in believing that he considers he was only doing the duty of a patriot to his country in the late disturbance.

It may be further desirable to make the character of Heke better understood by stating what was his conduct in the unhappy collision brought on between the tribes at Manganui by the conduct of the Government in interfering with the lands even against their own regulations. He was the leader of a party who went to assist the tribe of Pororua, with which his own tribe was connected ; and it was arranged, I believe, by the influence of the Bishop, the Protector of Aborigines and others who had gone to endeavour to prevent mischief, that his party and another party of auxiliaries to the adverse tribe of Nopera should retire from the ground by a particular path. Heke took a position to see that this arrangement was adhered to, and that the opposite party did not, by diverging into another path, make a detour which would place his friends between two fires.

Seeing the first men of the opposite party actually take this path, he called out to them that they were breaking the treaty ; they looked back as if to get encouragement from their friends behind, and then continued to advance ; he warned them again that if they proceeded another step he should fire upon them ; and this warning having also been disregarded, he levelled his double-barrelled gun and shot dead the two first men of the party. Heke is married to the daughter of the late Hongi who visited England, and was introduced to King George the Fourth, and who was the greatest warrior New Zealand has produced.

There is much reason to apprehend that his influence would be very great throughout the northern part of the island should matters be pushed to extremities between him and the Government.

Having been prevented by private business from sending this letter so soon as I intended, and being about to go to the country for a day or two, I shall not prolong it with further observations, but shall be happy to afford any further information which may be required.

I have, &c.

(signed) *James Busby*,
formerly Her Majesty's Resident at New Zealand.

Enclosure in Letter from *J. Busby, Esq.* to *G. W. Hope, Esq.*

PRINTED LETTER from the Sydney "Morning Herald," 3 August 1844, giving the Particulars of the Disturbance at the Bay of Islands,—and referred to by Mr. *Busby*, under the signature of *W. O. Hector*.

THE ship "Sydney" arrived from Auckland and the Bay of Islands, having been chartered by the Governor of New Zealand to proceed to Sydney, with a request that the Government would immediately send a strong military detachment to the bay, the natives having shown a very turbulent and disaffected spirit. The particulars of what has taken place are fully detailed in the letter which we give below, and which was forwarded to the Auckland papers at the same time that a copy was sent to us, which is a guarantee of its correctness.

" To his Excellency Captain *Fitz Roy*, R.N., Governor of New Zealand.

" SIR,

" I take the liberty of addressing your Excellency, through the medium of the press, as, from the tenor of the Colonial Secretary's last letter to me, I doubt whether your Excellency might not also, in this instance, direct a similar reply. I write more to complain of the imbecility of those placed in authority over us than in giving to your Excellency an account of the transactions of the natives in Russell for the last three or four days.

Your

Your Excellency was pleased to condemn the conduct of the Europeans in the Wairoa massacre, that, having commenced the affray, they threw away their arms and ran. What, then, must and will be the opinion of your Excellency and of mankind in general, that a scene like the Wairoa massacre, only of a more extensive nature, has nearly occurred within the last few days in this town? On Thursday morning last, at three o'clock, Johnny Hackey and his tribe went to the ferry-house at the Waitangi Falls (being the landing-place on Mr. Busby's side of the water between Russell and the Waimatte), kept by Mr. Fox, and demanded of him to let them in, which he refused. They then endeavoured to force an entry through the doors and windows, but finding the attempt ineffectual, they told him they should take the boat, which they did, and returned again with it the same morning, about eleven o'clock. A short time after Mr. Bedggood, of the Waimatte, arrived, and requested Fox to put him across to Russell. On arriving at the mouth of the river opposite Mr. Busby's store, a canoe from the Pahia side of the river came out and seized the boat, dragged it on shore, and compelled the passengers and boatmen to get out, who were then obliged to walk to Pahia, and from thence arrived in Russell the same afternoon. A report soon circulated that Johnny Hackey and his tribe had seized the boat to prevent any person from giving information of his intention to come over and make a tour on Mr. Lord, who had married one of his slaves, formerly the wife of Mr. Gray, and upon whom and the lodgers Johnny Hackey had made a levy about eight weeks since, taking away every thing. Mr. John Hayward, who had just arrived from Sydney by the 'Thomas Lord,' with an investment of goods, had rented one of Mr. Lord's rooms, and had he not fortunately removed them that afternoon, on account of the report in circulation, no doubt he would have lost the whole. Mr. Kemp, the sub-protector, arrived in Russell from Pahia, where he resides, instead of making the township his place of residence, the same evening, and, I believe, called on Mr. Thompson (Mr. Beckham being absent at Hokianga), and in the evening Mr. Kemp returned across the water to Johnny Hackey, tendering him a double-barrelled gun (the reason of which payment I am ignorant). That same night, or rather at one o'clock on Friday morning, Johnny Hackey arrived in Russell, and occupied Mr. Lord's house, with his tribe. They remained quiet until about three o'clock in the afternoon, when they formed themselves, at Lord's, and made a rush towards the centre of the beach, where they went through the war dance; after which they seated themselves and commenced to speak. The first speaker said, 'War, war, war, with the white people.' The second, 'Cut them in pieces, and throw them into the sea;' and third, 'that the Rauperaha had killed white people, and why could not they?' And lastly, Johnny Hackey got up, and, in a long speech, stated that he was come for payment from Lord and his wife, and to cut down the flagstaff, and told us not to interfere: they then returned to Lord's house. During the whole of this time Mr. Beckham (who had just returned from Hokianga) and Mr. Kemp were walking backwards and forwards at the end of the beach, a distance of nearly a quarter of a mile, and never attempted to interfere, although Mr. Kemp should have known that the natives would at that time relate their intentions and their grievances. Had the Archdeacon Williams been there present, before the natives had begun to plunder, the affair would have been easily settled. I saw Mr. Beckham that evening, and pointed out to him the necessity of taking some steps to suppress any act of aggression of the natives, and of the willingness of the inhabitants to put themselves under him, and to form a guard during the night; but it was declined. After a night of anxiety, the inhabitants were, as might be supposed, up and prepared with the first dawn of day. The first news that greeted them was that Johnny Hackey and tribe had robbed a person of the name of Toby of a pig, which was hanging up in his house, and had cooked it during the night. About half-past seven they commenced slaughtering the pigs running in the neighbourhood in the front of the police magistrate's house, and which was seen by our sheriff, Joseph Dixon, esquire (who resides with his family with Mr. Beckham). They next broke into an empty house belonging to Mr. Caffier; and when that gentleman asked them why they had done so, and told them had they applied to him he would have opened it for them; in reply they threatened to chop off his head, at the same time raising their tomahawks over him. It was now between nine and ten o'clock; and where was our police magistrate?—in bed. Where was Mr. Kemp?—at Pahia. Where were the constables?—at home, not at the place of mischief! About ten o'clock Mr. Spicer, who had been all the morning talking with the natives, came to Mr. Gibson's stores, where most of the inhabitants were assembled, awaiting the further proceedings of the natives, and informed them that Johnny Hackey would not go unless he was paid a large tierce of tobacco, and that, as Lord was poor, the white people must pay it. It was proposed that some persons should wait on Mr. Beckham, and request him to call a meeting of the inhabitants. Messrs. Spicer, M'Carthy, and myself, accordingly called on Mr. Beckham, and after being detained a quarter of an hour outside his door, he made his appearance. When I informed him of the desire of the inhabitants to place themselves under his command, and requested him to appoint a place of meeting, he replied, we need not alarm ourselves, as he had arranged every thing, and that the police would do their duty. I then asked him how it was the police had permitted the depredations already committed? We received for answer, that we must submit to them until he had force sufficient to protect us. In reply, we stated that, if he would yield to the request of the inhabitants, he would find that there would be force sufficient to repel any further aggressions on the part of the natives; that it was not our ambition to commence an affray, but to show the natives that, although we had permitted them to proceed thus far, we were determined to put a stop to any further acts of violence, and that, if he (Mr. Beckham) did not choose to assemble the inhabitants, they would meet and appoint

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J. Busby, Esq. to
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17 January 1845.

some person to act in his place. He told us that he would put us down by force. We informed him we had no wish to infringe the laws of our country, but that self-preservation was the first law of nature, and we would no longer quietly submit to the invasion of our homes, have our wives insulted by the natives wilfully exposing their persons to them, our daughters clothes pulled over their heads, and our property stolen; and that, if such were his intentions, we would oppose force to force, and he would then see who would gain the day. We were proceeding in our conversation when Mr. Beckham told us that that was not a proper place to enter into the business, and he would meet us at the Court-house in ten minutes. We met accordingly at the police office, and I again urged the necessity of the people being organized, a house appointed as a guard-house, and patrols to be appointed at night, and not to suffer us to be cut off in detail, as would be the case if something were not done. Mr. Beckham refused; still urging his old excuse—we had not force enough, and that the police should keep guard, and had done so the night before. On being asked as to the stations of the police at the time the natives committed the robbery of the pig, and which they cooked the same night, it was confessed that they were in bed. The only boon we could obtain was, that the church bell should be rung in case of need, and the place of meeting should be the open space between the stores of Messrs. Wilson and Addeman, on the beach. A boat was about to be sent to Pahia for Mr. Kemp, the sub-protector, but, as it was remarked that he was coming over, it was recalled; this was eleven o'clock. The natives had been all the morning, and still were, entering persons' houses and plundering. Some of the stores were closed. Mr. Kemp, who had returned to Pahia in search of Archdeacon Williams, landed with that gentleman and Mr. Maunsel, at Russell, between twelve and one. The trio, in company with the police magistrate, proceeded to the natives, who still occupied Lord's house, and entered it, excluding the Europeans. Towards the afternoon the natives and the above gentlemen held a meeting outside the house, when Johnny Hackey related the grievances of the natives from the death of Marion down to the present time, and particularly mentioned the manner the chiefs had been entrapped into signing the treaty at the Waitangi. At the close of the evening Mr. Beckham advised Mr. Lord to purchase a boat and give it to Johnny Hackey. I happened to be present, and asked Mr. Beckham on what grounds Mr. Lord should give the boat; and if it were given, if Johnny Hackey would pay for damage that had been done; and I recommended Mr. Lord to do no such thing, as it would only be holding out a temptation for further plundering. Ultimately, Archdeacon Williams gave them a bag of rice and some sugar, and the natives passing up the beach, pointing to the things, jeered us. All the houses were closed by dark, as if the town was besieged. Things passed off pretty well on Sunday, with the exception of the interference with the duty at the Catholic Chapel by the tribe of Johnny Hackey, and a few petty robberies. Monday morning, the natives at daylight launched their canoes (eight), and sent them in charge of the women and boys to Waihihi, about a mile from Russell, towards the entrance of the bay. They then proceeded in marching order to the point of the beach opposite the Custom-house and gaol, and performed prayers with arms in hand. At the conclusion, a portion was sent towards the flagstaff, to cut it down; the remaining, as a covering party, proceeding by another road to Waihihi, both roads meeting in one after passing the flagstaff. Parties of natives were stationed on the tops of the different hills as outposts. Mr. Beckham was, during this time, standing within 100 yards of the Custom-house. Mr. Potter and I followed the natives to the flagstaff, and asked them why they wished to cut it down; some said there had been no payment given for the land; others, that it prevented the ships from coming in. On our arrival, the natives proceeded to work, and I saw the honour of my country laid low, without any attempt to prevent it. The ropes the natives took, and the staff and yard were cut into pieces. A demand was made for fire, and Mr. Tapper went to his house and got some. When the whole was over and the natives gone, Mr. Beckham and a few of the inhabitants arrived. The natives met on an opposite hill, commenced a war-dance, discharged their muskets, retired to their canoes, and left for the other shore. The parties who have suffered from the depredations of the natives are, Mr. Caffler, Mr. Lord, Mr. Hearle, Mr. Smith, Messrs. Johnson, Ryan, Toby, Reich and others, besides the insult and obscenity offered to the females and children, whose names prudence dictates should not be publicly promulgated, but which I am ready at any time to give to your Excellency. I have referred in my letter to Mr. Lord's house having been stripped by the same native eight weeks since, and the property of the lodgers taken. Has any report been made to your Excellency by Mr. Beckham or Mr. Kemp? Was it told to your Excellency that Mr. Johnson seized one of the offenders, and took from him part of the plunder at the risk of being run through by Johnny Hackey—the police standing by and rendering no assistance, and Mr. Beckham, when applied to, said it must be borne. Can your Excellency tell where this will end, and are we again to be subject to similar outrages? There can be no doubt of the fact. It was a preliminary attempt, and, having succeeded, will be a further inducement for other incursions. Had Mr. Beckham complied with the wishes of the inhabitants, the affair would have been settled, and we should have again redeemed our position, which we have partially lost in the late Wairoa massacre. This is not the first time Mr. Beckham has neglected his duty, and left the inhabitants in a similar position. I refer to the murder of Mrs. Robertson; when a boat, with an officer and marines, from the discovery ships, which were refreshing in this port, was sent for the use of the police, and which offer Mr. Beckham refused. Messrs. Spicer and Wilson alone went to the islands, captured the murderer, and with the assistance of the natives, brought him in. The force that could have been mustered in Russell would not have been less than 100 men, willing to stand up in defence of their families and property.

property. Arms and ammunition could have been found in sufficient quantity; at any rate we should not have been in a worse position than the natives. Thus your Excellency will perceive that the inhabitants and the town of Russell have been at the mercy of the natives for the last three days, without any effort on the part of the authorities to protect them. We have to thank the Almighty God that no blood was shed by the Europeans, whose property had been plundered, and their wives and daughters outraged; such an event would have happened, as it was evidently the intention of the natives to excite us to hostilities, had not the great forbearance shown by the Europeans prevented it. Had this occurred, the pages of history would have had again to record a fate for us similar to that of the first settlement of the French in Canada.

" Russell, 8 July 1844."

" I have, &c.

" C. Hector."

In consequence of these outrages, it was determined by the Government to bring Hackey to justice; but hearing of this, he had suddenly decamped, and was supposed to be endeavouring to incite and muster as many natives as possible; and it was this supposition which induced Captain FitzRoy to send to Sydney for military assistance, in order that there might be a respectable force on the spot. We believe 150 soldiers of Her Majesty's 58th regiment are under orders to proceed to New Zealand by the Sydney on Monday. The cause of this outrage does not appear to be clearly understood, but is supposed to have arisen from a native woman married to a person named Lord not having complied with some native custom; and their first overt act of defiance of the law was the abduction of this woman from her husband. In other parts of New Zealand, also, there were great difficulties arising from the intricacies of the land question. At New Plymouth the natives had been destroying fences, pulling down bridges, and committing other outrages, to show that they did not recognise the sales of land made by the New Zealand Company. Fortunately Her Majesty's ship "Hazard" arrived at the Bay of Islands on the 15th of July, and immediately proceeded to New Plymouth for the protection of the residents. We fear that these outrages are but omens of what are to ensue, for there is a large number of men of bad character, both English and American, residing among the natives, who are anxious to get rid of British rule entirely; and these men have considerable influence over the natives, which they exercise in the way they consider to be most prejudicial to the interests of the Government, and best adapted to effect their own views—the creation of anarchy and confusion.

Sydney "Morning Herald,"

3 August 1844.

No. 3.
J. Busby, Esq. to
G. W. Hope, Esq.
17 January 1845.

NEW ZEALAND.

Copies of LETTERS from Mr. *Shortland*, late Acting Governor, and Mr. *Bushy*, late Resident of *New Zealand*, to Lord *Stanley* and Mr. *G. Hope*.

(*Sir John Yarde Buller*)

*Ordered, by The House of Commons, to be Printed,
7 March 1845.*

108.

Under 3 oz.

NEW ZEALAND.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 8 August 1845;—for,

COPIES or EXTRACTS of CORRESPONDENCE relative to the original
Constitution of the Legislature of *New Zealand*.

Colonial Office, Downing-street, }
9 August 1845.

G. W. HOPE.

Ordered, by The House of Commons, to be Printed, 9 August 1845.

COPY of a DESPATCH from Lord *Stanley* to Governor *Grey*.

(No. 12.)

Sir,

Downing-street, 8 August 1845.

I ENCLOSE copies of a correspondence with the New Zealand Company, on the subject of the authority of the legislature of New Zealand, as at present constituted, to impose taxes on Her Majesty's subjects inhabiting that colony.

I also enclose the copy of an opinion on the same subject, given for the information and guidance of Her Majesty's Government, by the Attorney and Solicitor-general, and by Sir Thomas Wilde, who held the office of Attorney-general under the last Administration.

I departed from the usual course of proceeding in obtaining the joint opinion of the past and the present law officers of the Crown, partly on account of the magnitude and importance of the principle in debate, and partly because Sir Thomas Wilde (the only one of the former law officers now remaining at the bar) had been consulted by Lord John Russell when the charter for the government of New Zealand was issued, and was, therefore, peculiarly prepared to explain the legal grounds on which that measure had been taken, and on which it was to be defended.

You will see that the legal advisers of the Crown entertain no doubt of the right of the existing legislature of New Zealand to impose taxes and duties on the Queen's subjects inhabiting that colony. I have reason to know that other lawyers of considerable authority, and of great experience on such questions, fully concur in the same opinion. I must, therefore, conclude that Mr. Burge is in error in this case.

In the administration of the government of New Zealand, you will take the joint opinion of the Attorney and Solicitor-general, and of Sir Thomas Wilde, as the rule for your guidance; and if Mr. Burge's opinion should have been made public there (as will probably have been the case), you will give equal publicity to the joint opinion of the three legal advisers of the Crown, which I now transmit to you.

I have, &c.

Governor Grey,
&c. &c. &c.

(signed) *Stanley*.

Enclosure 1.

My Lord,

New Zealand House, 7 July 1845.

I AM instructed by the Court of Directors of the New Zealand Company to address your Lordship on a subject which has this day been presented to them in a form whereby the duty is imposed on them of making this communication.

The directors understand that it is your Lordship's intention to transmit very important instructions to the Governor of New Zealand by the overland India mail, which is to leave London to-morrow.

Had they not been informed of this circumstance they would have abstained for the present from calling your Lordship's attention to the following statement:—

They have this day been advised that the government of New Zealand has from the beginning rested on no lawful foundation; that accordingly, all the past acts of the Governor and Council are null and void; and that in order to the validity of future acts of authority in that colony, an Act of the Imperial Parliament is indispensably requisite.

Your Lordship may be very sure that the directors would have hesitated to make such a communication to you upon any light grounds, or until the advice in question should have been confirmed by the eminent counsel to whom the point is submitted. But that advice has so much weight in their estimation, and its bearing upon your Lordship's intentions with respect to instructing the Governor of New Zealand by the overland mail of to-morrow is so obvious, that they are unwilling to incur the responsibility of withholding from your Lordship, even for a day, a piece of information which may prove to be of such great importance.

I am also instructed to add, that the directors are sensible of the possible inconvenience of your receiving such a statement from them, unaccompanied by the grounds on which it rests. They are, however, so fearful of falling into error by entering into this purely legal question, that they feel bound to confine themselves to mentioning in general terms the advice which they have received.

I have, &c.

(signed) *T. C. Harrington*, Secretary.

The Right Hon. Lord Stanley,
&c. &c. &c.

Enclosure 2.

Sir,

Downing-street, 8 July 1845.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 7th instant, in which, by the instruction of the Court of Directors of the New Zealand Company, you acquaint his Lordship that they had, on that day, been advised that the government of New Zealand has, from the beginning, rested on no lawful foundation; that accordingly all the past acts of the Governor and Council are null and void; and that in order to the validity of future acts of authority in that colony, an Act of the Imperial Parliament is indispensably requisite.

Lord Stanley directs me to request that you would convey to the Court of Directors his Lordship's thanks for the promptitude with which they have communicated to him this intelligence, although the overland mail to India having actually been dispatched before your letter reached his Lordship (the 7th, and not the 8th, as supposed by you, being the day of its despatch), it was not in his power to avail himself of one of the suggestions contained in it.

Lord Stanley will be happy to receive, and to consider with the aid of Her Majesty's legal advisers, a statement of the grounds on which the validity of the existing constitution of the government of New Zealand is doubted. For the present, Lord Stanley can form no opinion on the subject. He cannot, however, but assume that the reasons in favour of the lawfulness of the existing constitution

constitution of the colony must be of great weight, because it appears from the records of this office that the charter of the 16th November 1840 and the letters patent of the 24th of the same month, were issued on the advice and with the sanction of the highest legal authorities to whom Her Majesty's Government, as then constituted, could refer, and that they entertained no doubt as to the authority of the Crown to issue such a charter and such letters patent, in pursuance of the Act of Parliament recited in the preamble of the charter.

T. C. Harrington, Esq.

I have, &c.
(signed) *G. W. Hope.*

Enclosure 3.

New Zealand House, Broad-street Buildings,
12 July 1845.

My Lord,

THE Court of Directors of the New Zealand Company have just received Mr. Burge's opinion on the questions submitted to him by them; and with reference to Mr. Hope's letter of the 8th instant, they have desired me immediately to transmit a copy of the same to your Lordship, which I have now the honour of doing.

I have, &c.
(signed) *T. C. Harrington, Secretary.*

The Right Hon. Lord Stanley,
&c. &c. &c.

Your opinion is requested, 1st, whether or not New Zealand is subject to the provisions of the statute 3 & 4 Victoria, c. 62; and,

2d, Whether or not, by virtue of such Statute, or any of the Acts relating to New South Wales, or otherwise, the Legislative Council of New Zealand have power to impose taxes and establish customs?

The Crown possessed no authority, by virtue of its prerogative, to grant the form of government now existing in New Zealand, with the powers exercised by it of imposing taxes on the inhabitants. It can be scarcely necessary to refer to any authorities in support of the undoubted principle of constitutional law which would preclude the Crown from imposing on a colony, acquired as New Zealand has been, any form of government which was inconsistent with the rights which the subjects of England enjoyed under the common law of England. The history of the settlement of the colonies in North America and the West Indies affords proof of the uniform adoption of this principle. The Crown, therefore, did not attempt to grant such form of government; The Imperial Parliament alone could confer on the Crown the authority to establish in New Zealand its present government, and to give it the power of imposing taxes.

It is said that the Imperial Parliament, by the Act 3 & 4 Victoria, c. 62, has granted to the Crown authority to establish that government and invest it with those powers. The question is, whether such authority has been granted by the Act.

This question involves two subjects for consideration: the first is, whether the Act 3 & 4 Vict. c. 62, extends to New Zealand. The Act gives authority to Her Majesty "to erect into a separate colony or colonies any islands which now are or which hereafter may be comprised within and be dependencies of the said colony of New South Wales;" and it then enables Her Majesty to appoint a legislative council for such colony. It certainly appears that until June 1839, the Crown had not only not asserted, but had disclaimed any title to the sovereignty of New Zealand by the right of discovery, and had actually treated it as a foreign country. The Acts of Parliament which are referred to in Mr. Stephens's memorandum deal with New Zealand as a foreign country, and not as part of the dominions of the Crown of Great Britain. Whatever might have been the effect of that disclaimer and of those Acts, if any foreign state had subsequently acquired a footing in New Zealand, there was nothing in those Acts which professed to preclude or did preclude the Crown from afterwards asserting its title to the sovereignty, and treating New Zealand as

Vide Correspondence relative to New Zealand, presented by Her Majesty's Command, 1840, p. 68.

part of its dominions which it might include in the commission granted to the Governor of New South Wales. It was competent therefore for the Crown to assert, and the Letters Patent of June 1839 did assert, the sovereignty of the Crown to New Zealand, by extending the Governor's former commission so as to include it, and I consider that even by those letters patent of June 1839, New Zealand was comprised within, and a dependency of New South Wales. But even if the Crown did not then rest on and assert its title to the sovereignty, but intended to acquire a title for the first time, or to confirm or perfect the former title by a treaty with the chiefs, so that it should not become part of the dominions of Great Britain, and not therefore capable of being a dependency of New South Wales until that treaty was concluded, yet it was competent for the Crown, in the commission of the Governor of New South Wales, to assign limits to which his commission should extend, sufficiently comprehensive to include New Zealand, when by that treaty it had become part of the dominions of Great Britain, and capable therefore of being a dependency of New South Wales. There is no objection to the commission of the Governor being sufficiently large to include in his government places expected to be, but not already acquired by the Crown.

From the weight which justly belongs to the observations urged in this case, I have been induced to detail the ground on which I have formed my opinion that New Zealand, at the time the Act 3 & 4 Vict. c. 62, was passed, was a dependency of New South Wales, was capable of being erected into a separate colony, and of receiving such a form of government, and invested with such powers as that Act gave authority to the Crown to grant.

The great and difficult question to decide is, what was the extent of the authority which the Act 3 & 4 Vict. c. 62, gave to the Crown, or, in other words, what powers could the government which the Act authorized the Crown to establish, possess or be entitled to exercise?

The government has assumed the power of imposing taxes; has the Act given to the government which it authorizes the Crown to establish any such power? The Act enables Her Majesty to authorize any number of persons, not less than seven, including the governor or lieutenant-governor of any such new colony or colonies, to constitute a legislative council or legislative councils for the same; and that every such legislative council shall be composed of such persons as shall from time to time be named or designated by Her Majesty for that purpose, and should hold their places therein at Her Majesty's pleasure; and that it shall be lawful for such legislative council to make and ordain all such laws and ordinances as may be required for the peace, order, and good government of any such colony. Now, does the power to make laws and ordinances required "for the peace, order, and good government of any such colony" necessarily include a power to pass laws imposing taxes? It may be said that in the commissions granted to the governors of the American and West Indian colonies similar expressions, namely, "laws, statutes, and ordinances for the public welfare and good government of our said province," are there used in describing the Laws or Acts which the legislative bodies therein constituted are authorized to enact, and that these words would in practice have included and given authority to them to pass Acts imposing taxes. It is, however, to be observed that a construction which gives that authority to these legislative bodies violates no principle of the common law, but is perfectly consistent with it. These legislative bodies are the governor, council, and an assembly elected by the freeholders of the respective districts, counties, or towns for which they are returned. In this case the taxation is imposed in conformity with the principle of the common law, which makes the imposition of the tax the act of the party by whom it is to be paid, or of his representative.

Independently of this consideration there are instructions which, by reference, became part of the commission as to the manner of raising and appropriating taxes, which make the sense in which the above expressions were used quite evident, and fully justify the construction which they have ever received. But the 3 & 4 Vict. c. 62, empowers the Queen to constitute quite another species of legislative body, namely, persons nominated by Her Majesty, and who retain their places during pleasure. To give the same construction to these words when they refer to a power to be exercised by such a legislative body would be to adopt the construction not consistent with, but in violation of, a known principle of the common law; since it would authorize the imposition of taxation

by

by a body not the representatives of those by whom such taxation was to be borne. Again, the Crown has no power to impose taxes, and of course could not grant any such power to its nominees, the Legislative Council. It is a more reasonable construction of these words to presume that if it were the intention of the Imperial Parliament to give by this Act to the Crown that power with which the constitution had not entrusted the Crown, it would have used expressions clearly indicating that intention; and that in the absence of such expressions, the presumption is that no such intention existed.

There is another principle familiar to our law which ought to be invoked in considering the import of the words in question; namely, that Acts of Parliament imposing burdens, or taking away or varying the rights of parties, are to be construed strictly and not by implication.

In the few instances in which the Imperial Parliament has given to any body of persons nominated by the Crown alone, the power of taxation, it has not contented itself with giving that body a power to make laws, &c. for the peace, welfare, and good government, &c., but it has added other expressions which clearly showed that the power to pass Acts imposing taxes was included. Thus, in the Act to make temporary provision for the government of Lower Canada, 1 & 2 Vict., c. 9, the power is to enable such laws, &c. for the peace, &c. as the legislature of Lower Canada, as now constituted, is empowered to make; and that all laws or ordinances so made shall have the same force and effect as laws passed by the Legislative Council and Assembly, and assented to by Her Majesty or by the Governor. So, in the Act for the enactment of certain laws in Jamaica, 2 & 3 Vict. c. 26, the power given to the Governor and Council to revive or re-enact any of the laws of the island which should have expired since the 2d of November 1838, and had not been before then re-enacted, &c. by any Act of the Governor, Council, and Assembly, necessarily included an expired Act which had imposed taxes. The Act for amending the constitution of the government of Newfoundland did not transfer the legislative power to a body nominated by the Crown, but empowered Her Majesty to alter the qualification of the members of Assembly. I do not believe any instance will be found in which, by such general words as are used in the 3 & 4 Vict. c. 62, Parliament has authorized the Crown to give its nominees the power of imposing taxes on the inhabitants of a colony. I do not consider, therefore, that the Legislative Council possessed authority, under the Act 3 & 4 Vict. c. 62, to pass Acts imposing taxes. I have formed this opinion with no inconsiderable anxiety, because I am well aware that an opinion which imputes to an Act of Parliament insufficiency and imperfections in its structure, is likely to be controverted and to be regarded with prejudice.

1, Paper Buildings, Temple,
10 July 1845.

(signed) *William Burge.*

Enclosure 4.

QUESTION submitted for the Opinion of the Attorney and Solicitor-general, and Sir Thomas Wilde; and Opinion thereon:—

Whether, for the reasons assigned by Mr. Burge or for any other reason, there is any sufficient ground to deny that the Legislature of New Zealand, as constituted under the Act 3 & 4 Vict. c. 62, and Her Majesty's charter of 16th November 1840, is competent to enact laws imposing duties and taxes on Her Majesty's subjects inhabiting the New Zealand Islands.

WE are of opinion that the Legislative Council of New Zealand, created by Her Majesty's charter of the 16th November 1840, has competent authority to pass an Act imposing duties and taxes upon the Queen's subjects inhabiting that colony.

Although the Legislative Council is created by the Queen's charter, the authority to impose taxes is derived from the statute of 3 & 4 Vict. c. 62; and in order to form a correct judgment as to the extent of the authority intended to be granted by the Legislature, it is proper to consider the object of the statute and the circumstances under which it passed.

The statute authorized the Crown in its discretion to erect into an inde-
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pendent colony, any dependencies of the colony of New South Wales; and by sec. 3d, authority was also given to the Crown to constitute a Legislative Council in any such newly created colony, and power was given to the Council to make and ordain all such laws and ordinances as should be required for the peace, order, and good government of the new colony, the laws not being repugnant to the law of England, but subject to certain directions contained in the statute, which are immaterial to the question submitted to us.

At the time this statute passed New Zealand was a dependency of New South Wales, and was subject to the legislative authority of a Council nominated by the Crown, under the authority of 9 Geo. 4. There had been a previous statute, passed in 4 Geo. 4, c. 9, by which it was enacted to be lawful for his Majesty to constitute a Council, and that such Council should have power and authority to make laws and ordinances for the peace, welfare, and good government of the colony, not being repugnant to the laws of England, nor to certain other matters therein mentioned.

That statute, in s. 27, provided and enacted that no tax should be imposed by the Council upon the vessels trading with the colony or the dependencies thereof, nor upon goods imported or exported, nor any other tax, except only such as should be necessary for local purposes. This clause of restriction operates as a legislative exposition that by the previous words a general power of taxation had been conferred, otherwise this restriction was nugatory and useless.

The statute 4 Geo. 4 expired on the 31st December 1829; and on the 25th July 1828 the 9 Geo. 4, c. 83, passed, which recited that it was expedient to repeal the before-mentioned statute 4 Geo. 4, but we do not find that in fact it was repealed, but it seems to have been left to expire; and by the 9 Geo. 4, c. 83, s. 20, a new power is given to the Crown to create a Council for New South Wales and its dependencies; and by s. 21 the same power is given to that Council as had been conferred on the Council of 4 Geo. 4, and containing in s. 25 a restriction of the power to taxation for local purposes, but omitting the restraint in regard to taxation upon exports and imports; and New Zealand was subject to the legislative authority of the Council appointed under the 9 Geo. 4, at the time the 3 & 4 Vict. passed.

The Council appointed under the 9 Geo. 4 was in no respect a representative body, and the only power of taxation given to the Council is comprised in the words above quoted; and it is manifested by sec. 25 (the restrictive clause) that the Legislature had intended to give the power of taxation by the previous general words, otherwise, as before stated, the restriction would have been nugatory and useless. The object of the statute of 3 & 4 Vict. c. 62, was, as before stated, to enable the Crown to erect into an independent colony any of the dependencies of New South Wales, and, as appears by the recital, to appoint a Legislative Council of the same character as that which existed in New South Wales, and to the powers of which New Zealand was then subject, and for the same purposes; that is, to make laws and ordinances for the peace, welfare, and good government of the colony to be newly created; and power is given to the New Zealand Council to be nominated by the Crown, in precisely the same words as those which had conferred the power of taxation upon the Council of New South Wales.

We therefore are of opinion, that the power to make laws and ordinances for the peace, order, and good government of the colony of New Zealand, conferred upon the Council the power of taxation for local purposes. In some statutes a power to impose taxes has been given to local legislatures in express terms in addition to general words, such as those contained in the statute in question; and in other statutes, after the use of similar general words, a restriction has been inserted limiting the power to impose taxes to certain specified purposes. But we think that the power to impose taxes has always been deemed to be conferred by, and comprised within, the same words as are used in the 3 & 4 Vict. c. 62, or words of similar import, and that such power has been generally exercised without being questioned; and we are of opinion that such words are usual, apt, and proper words to confer the power.

We are also of opinion that the construction of such words is not governed nor in any respect depends upon the nature of the constitution of the legislative body to which they are applied, but that they equally confer the power of taxation upon a legislative body nominated by the Crown under the authority of an Act

Act of Parliament, as they bestow upon a legislative body which may possess more or less of a representative character.

We have duly considered the opinion of Mr. Burge, with all the respect due to the authority of that gentleman, before we arrived at the conclusion we have stated. We agree with Mr. Burge, that in determining upon the authority of the legislature of New Zealand, the point to be considered is the construction of the statute of 3 & 4 Vict. c. 62, but we cannot concur in the opinion that the construction of the statute is at all affected by the principles of the common law to which he refers. The power conferred by the statute may be well collected from what is therein declared to be the object of the enactment, which was the general government of the colony, and from the language in which the authority of the council is expressed. If the construction of the words of the statute in regard to the power of taxation was, as suggested by Mr. Burge, to depend upon the representative character of the legislative body to which they might refer, such a rule would in its application lead to questions of no slight difficulty, as to how little or how much of the principle of representation being imparted to the body would entitle the words to the larger or more limited construction.

We think that the object and intention of the Legislature, as they are to be collected from the statute, require that the statute should be construed to confer the power upon the council now governing New Zealand, of imposing taxes and duties for local purposes ; and with due deference, we do not think that the reasons assigned by Mr. Burge, nor any other that occur to us, furnish any well founded doubt upon the subject.

(signed) *Fitz Roy Kelly.*
Newcastle, 2 Aug. 1845.

Frederick Thesiger.
Thomas Wilde.
Temple, 30 July 1845.

NEW ZEALAND.

**COPIES or EXTRACTS of CORRESPONDENCE
relative to the Original Constitution of the
Legislature of New Zealand.**

(Mr. G. W. Hope.)

**Ordered, by The House of Commons, to be Printed,
9 August 1845.**

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Under 1 α.

NEW ZEALAND.

RETURN to an Address of the Honourable The House of Commons,
dated 11 March 1845;—for,

COPY or EXTRACTS from any recent DESPATCH from the GOVERNOR of
New South Wales, respecting OUTRAGES by the Natives in the *Bay of Islands*, in *New Zealand*.

Colonial Office, Downing-street, }
14 March 1845.

G. W. HOPE.

Ordered, by The House of Commons, to be Printed, 14 March 1845.

COPY or EXTRACTS from any recent DESPATCH from the GOVERNOR of
New South Wales, respecting OUTRAGES by the Natives in the *Bay of Islands*,
in *New Zealand*.

(No. 166.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley*.

My Lord,

Government House, Sydney, 5 August 1844.

I HAVE the honor to forward herewith a copy of a letter which I received on the 2d instant from Governor FitzRoy, representing to me various occurrences of a serious nature which had taken place in New Zealand, especially at the Bay of Islands; and very earnestly begging that military assistance might be afforded to him from this colony.

I lost no time in bringing Captain FitzRoy's application before my Executive Council; and on the evening of the second day after it was received, the vessel sent by Captain FitzRoy was ready to proceed on her return to New Zealand, with a party of 150 men of the 99th Regiment, under the command of Lieutenant-colonel Jackson.

For further particulars I beg to refer your Lordship to the accompanying copy of my reply to the letter addressed to me by Governor Fitz Roy, and also to the copy of a minute which was made upon the occasion by my Executive Council.

I annex a copy of a return of the men, stores, &c., sent to New Zealand.

I have, &c.

(signed) *Geo. Gipps*.

Governor Sir
George Gipps to
Lord Stanley,
5 August 1844.

13 July 1844,
No. 1.

3 August 1844,
No. 2.

2 August 1844,
No. 3.

5 August 1844,
No. 4.

Enclosures in Governor Sir *George Gipps*' Despatch, of 5 August 1844.

(No. 1.)

Sir,

Auckland, 13 July 1844.

ALTHOUGH the utmost pains and precaution have been used by me to avert the necessity of making a hostile display, there is no longer any alternative; and I am obliged to ask, in the most earnest manner, for immediate assistance, both military and naval.

Either we must submit to be treated as men not only unwilling, but unable to defend ourselves, to protect our women from insult, and our flag from dishonour; or we must now take such effective measures as will restore respect for our flag, and ensure tranquillity in the colony.

Recent disturbances at the Bay of Islands, described in the enclosed papers; Mr. Commissioner Spain's award against the natives at New Plymouth; and the unsettled state of the

Enclosure.

the land question in the neighbourhood of Cook's Strait, present a prospect of difficulties which can only be met successfully, under God's providence, by a timely demonstration of power.

To make such a demonstration, I now formally request such means as your Excellency may be able to supply. I am sure you will feel with me, that the greater the display, the larger the force, the more speedy, peaceful and lasting, will be the consequences.

Your Excellency is well aware that if the military are to act in this country, under the existing circumstances and feelings, they ought to be employed in such a manner as to be overpowering.

To prevent delay in preparing means of transport, I have chartered the ship "Sydney," fit to carry more than 200 men; and I have to request that your Excellency will authorize the embarkation and temporary employment in New Zealand, of at least two companies of the line, with camp equipage; two light field-pieces; a howitzer; some rockets and hand-grenades, and a supply of provisions for three months.

I propose that this force should be disembarked near Waitangi, in the Bay of Islands, and there encamp; that it should be joined by part of the detachment here, and be supported by Her Majesty's ship "Hazard," and some other ship of war, which I trust your Excellency will be able to spare for this purpose.

I shall then demand ample atonement from the chief Heke, and if he should refuse to comply with my just demands, I shall enforce them.

That the moral effect of these proceedings will be felt throughout New Zealand, to the permanent advantage of the New Zealanders themselves as well as the settlers, is the opinion of the Chief Protector of Aborigines, and those whom I have consulted.

The ship by which I send this despatch, conveys an officer and 30 men of Her Majesty's 96th regiment to the Bay of Islands.

Her Majesty's ship "Hazard," will sail immediately for New Plymouth, where also there are disturbances.

I need hardly state, that unless assistance be speedily and effectually given, the amount of injury done to this valuable colony, and the distressing results to the aborigines as well as to the settlers, may be beyond calculation.

I have, &c.

(signed) *Robt. Fitz Roy*, Governor.

His Excellency Sir George Gipps, &c. &c.
Governor-in-Chief, New South Wales.

Sir,

Police Office, Russell, 6 July 1844.

I HAVE the honour to report, for the information of his Excellency the Governor, that a tribe of natives from the Kai-Kohi, well armed, and headed by the notoriously bad chief, "John Heke," entered this settlement yesterday, for the purpose, as he states, of demanding payment from Lord's wife (who is a native), for certain breaches of aboriginal customs; but as Lord was unable to give sufficient payment for his wife's delinquencies, the tribe have behaved in the most extraordinary and threatening manner, having broken into Mr. Caffer's house, of which they still forcibly retain possession, as well as Lord's; which latter person they turned out, having previously taken his property; they have also committed several robberies in the town, and seized the passage-boat of John Fox; but from having no force at my command, it is impossible to prevent their aggressions without very serious consequences.

I would also remark, that John Heke is the person who committed so many outrages at Wangaroa and Mungonui a short time since.

I am happy to state, that the Europeans have in this instance behaved in the most quiet and orderly manner.

I have, &c.

(signed) *Thomas Beckham*, P. M.

The Honourable the Colonial Secretary,
Auckland.

COPY MINUTE.

Dear Sinclair,

My answer to 44/1554 will be a reply to this also; acknowledge both.

10 July 1844.

R. F.

To his Excellency Captain *Fitz Roy*, R. N., Governor and Commander-in-Chief
of New Zealand, &c. &c. &c.

May it please your Excellency,

Russell, 8 July 1844.

WE, the undersigned, inhabitants of Russell, in the Bay of Islands, beg most respectfully to state to your Excellency the occurrences which have taken place here within the last few days, with a view of obtaining such military aid as will prevent their recurrence.

On Thursday last, the 4th day of July, between the hours of three and four o'clock, Mr. Henry Kemp, the Protector of Aborigines, waited upon one of the magistrates (Mr. Thompson),

son), the police magistrate being absent on business at Hokianga, and informed him that a party of natives, headed by John Haki,* a native chief, were assembled in considerable numbers at the mouth of the Waitangi, and that their determination was to come to Russell that evening, for the purpose of obtaining payment from a Maori woman, married to a white man named Lord, for abusive language applied by her to the aforesaid chief, and that it was to be apprehended, that he would commit depredations on the white inhabitants of the place. Accordingly, the magistrate went over to the Waitangi, and saw the natives about seven o'clock in the evening. Mr. Kemp, who had previously gone over, took John Haki to his house, and thus prevented the natives coming over that night. In the morning, however, they came over and took possession of Lord's house. At half-past seven o'clock in the morning, Mr. Kemp called at the magistrate's house, and in the course of the morning every means was used by them, assisted by Kini, an intelligent and well disposed Hokianga chief, to induce John Haki to relinquish his intentions, and after a two hours' interview between Haki and the parties above named, it was understood that Haki would be content with taking away the woman, as he found he could not get the required payment. In the afternoon, Mr. Beckham arrived from Hokianga, and called upon the other magistrate, who communicated to him what steps had been taken. In the evening the natives had a war-dance, and at night they broke into an unoccupied house belonging to Mr. Cafer, contiguous to Lord's house. The night passed off quietly, and the following morning (Saturday) the natives commenced plundering several of the inhabitants, and entering houses, and threatening to violate the persons of one or two females, and exposing their persons indecently to others.

* "Heke" is the name.
(signed) R. F.

The Rev. Messrs. William Williams and Maunsell, Mr. Beckham, Mr. Thompson and Mr. Kemp, had a long conversation with John Haki and his party on the beach, which failed in making any good effect. Saturday night passed off quietly, as well as yesterday (Sunday). This morning, at daylight, they assembled in a body, and carried into effect that which they have been all along threatening; viz. the destruction of the Government flag-staff, which they accomplished by cutting it down and burning part of it, carrying away the signal-balls and the remaining part of the staff.

They had previously taken away a boat by force, from a waterman named Fox, who lives at the Waitangi Falls, and hauled it up high and dry into a native pah, at the mouth of the said river; this boat, however, at the expostulation of Mr. Thompson and Mr. Kemp, was returned to the owner.

It is now reported, that it is their intention shortly to return in greater numbers: for this, of course, we cannot vouch; but we trust your Excellency will consider that the facts above detailed are of themselves sufficient to justify your Excellency in affording us a small body of military for our protection; and we now beg to express our readiness, with your Excellency's permission, to form ourselves into a militia corps, in order to co-operate effectually with the troops, should the services of either one or the other be at any time required to carry the law into effect.

It is our opinion, if your Excellency approves of a corps being formed, that the arms, ammunition and accoutrements should be supplied by the Government; as this means would effectually prevent an improper use being made of them by the persons to whom they might be assigned; but are quite willing to find our own arms, should your Excellency approve of our doing so, and shall at all times be ready and willing to aid and assist the proper authorities in carrying out the laws, and defending ourselves and property.

The Wairau affair has very much emboldened the more evil-disposed portion of the native population, among which John Haki may be classed; and he has been heard to ask, "Is Rauparaha to have all the credit of killing the Pakehas? let us do so as well."

Waiting with anxiety your Excellency's decision,

We have, &c.

(Here follow 60 signatures),

Sixty signatures of respectable inhabitants.

(signed) R. F.

(44-1554,)

Sir,

Police Office, Russell, 8 July 1844.

On Saturday last I had the honour to report, that a tribe of about 100 well-armed natives from the Kai Kohi, headed by "John Heke," entered this settlement, for the purpose of obtaining payment from a native woman (who is married to a European named Lord), for certain offences which, it is stated, she has committed against him; and that they had perpetrated several outrages on the property of the towns-people; and I now beg to state, for the information of his Excellency the Governor, that, from that period, nothing of consequence has occurred until seven o'clock this morning, when they proceeded to the signal-station, and cut down the flag-staff, and then decamped without doing further violence. From having no disciplined force at my disposal, I have deemed it advisable to endeavour to prevent their aggressions by expostulation, rather than risk a sacrifice of many lives without having it in my power to put an effectual check to their proceedings, or to bring them to justice.

The inhabitants have been in a considerable state of alarm, but I am happy to state that, although the conduct of these natives has been both gross and threatening, I know of only

one instance of personal violence having been used, and I believe that to have originated more from misapprehension than from wantonness. The boat which was taken from Fox has been returned to him.

The Honourable the Colonial Secretary,
Auckland.

I have, &c.
(signed) *Thos. Beckham, P. M.*

COPY MINUTE.

Dear Sinclair,

INFORM Mr. Beckham, and desire him to make known that a detachment of military will be at Russell in a few days; and that a force sufficient to maintain British authority will be sent from Sydney in a few weeks. Tell Mr. Beckham to be careful to keep on the right side, by a prudent perseverance in temperate and conciliatory measures, until self-defence renders hostility unavoidable.

Desire Mr. Beckham to cause the flag-staff to be immediately replaced in the same position.

(signed) *R. F.*

10 July 1844.

Sir,

Government House, Auckland, 12 July 1844.

ENCLOSED I send you a copy of a letter from myself to Mr. Beckham, the police magistrate at Russell; and I have the honour to request that the detachment of Her Majesty's 96th regiment, consisting of a subaltern officer and 30 men, as mentioned in the Colonial Secretary's letter of yesterday, may be temporarily quartered at Kororarika, now called Russell.

I have further to request, that you will give such directions to the officer of Her Majesty's 96th regiment in command of that detachment, as will ensure his acting in accordance with the principles expressed in my said letter.

Lieutenant-colonel Hulme,
Commanding Her Majesty's Troops
in New Zealand.

I have, &c.
(signed) *Robt. Fitz Roy,*
Governor.

Sir,

Auckland, 12 July 1844.

By a small vessel which sailed hence yesterday morning, the following answer was sent to your letters of the 6th and 8th instant:—

"Sir,

10 July 1844.

"I HAVE laid before the Governor your letters of the 6th and 8th, giving an account of certain disturbances which have taken place in your district, and in reference thereto I am commanded by his Excellency to inform you, and to desire that you will make it known, that a detachment of military will be at Russell in a few days; and that a force sufficient to maintain British authority will be sent from Sydney in a few weeks.

"I am to enjoin you, under these circumstances, to be careful to keep on the right side, by a prudent perseverance in temperate and conciliatory measures, until self-defence renders hostility unavoidable.

"I am to desire you to cause the flag-staff to be immediately replaced in the same position which it formerly occupied.

"I am, &c.
(signed) *Andrew Sinclair,*
"Colonial Secretary."

I now address you myself on the same subject.

It appears from your letters, from the report of the Protector of Aborigines, and from the memorial now before me, a copy of which is enclosed, that the chief Heke, with a considerable number of his tribe, chiefly young men, and all armed, committed outrages in the settlement of Russell (Kororarika), which have caused alarm and indignation among the inhabitants. The outrages I particularly refer to, are gross insults to females, and cutting down the Government flag-staff.

Such acts, unprovoked by any misconduct on the part of the settlers, but patiently borne by them with exemplary forbearance, cannot be tolerated by the Government. The honour of our countrywomen, and the honour of our flag, are alike dear to every Briton; and it is my duty to protect them from insult in this colony.

The conduct of Heke and his followers has been such a remarkable exception to that of New Zealanders in general, and has already met with such marked disapprobation from other tribes, that I have little doubt they will insist on his endeavouring to atone for his acts, by making such compensation as may be deemed adequate; but in the meantime it is necessary to prevent a repetition of any similar outrage.

An officer of Her Majesty's 96th regiment, and 30 men, will immediately be quartered at Russell (Kororarika).

This officer will have strict orders to act solely on the defensive, for the maintenance of order and tranquillity, and the preservation of the peace of Her Majesty's subjects. He will

12 July 1844.

will be debarred from making any excursion into the country, and he will on no account employ the military under his command in hostile operations, except in self-defence, or at the written request of the police magistrate, in defence of the inhabitants.

You will forthwith require the Protector of Aborigines to call together the principal chiefs in your neighbourhood; state what has happened, show them the consequences of such conduct, if allowed to pass unnoticed; point out the effects upon themselves and their children, if Europeans shun their neighbourhood, and go to other places in preference; and request their assistance in obliging Heke to make such compensation and atonement as I shall deem necessary.

A military force may be expected from Sydney in a few weeks, accompanied by at least one ship of war.

You will take every proper means and opportunity of impressing upon all parties, European as well as native, that Heke is alone considered blameable, that it is from him that atonement will be demanded, and that the concurrence of all the other principal chiefs is desired and expected in obliging him peaceably to acknowledge and make compensation for his misconduct, in offering insult to British women, and in cutting down the British flag.

I have, &c.
(signed) *Robert FitzRoy,*
Governor.

Thomas Beckham, Esq.,
Police Magistrate, Russell."

MEMORANDUM of Agreement made and entered into this 13th day of July 1844, between the Honourable Andrew Sinclair, Esq. Colonial Secretary, on behalf of Her Majesty's Colonial Government of New Zealand on the one part, and William Smillie Grahame, Agent for the ship "Sydney," now lying in the Waitemata Harbour, in the port of Auckland, on behalf of the Owners of the said ship on the other part.

It is hereby agreed, that the said vessel being made ready, shall forthwith sail from the aforesaid port, having first taken on board such number of troops with their stores, camp equipage, accoutrements, provisions, &c., as the officer commanding the troops aforesaid shall think proper to cause to be put on board; and shall proceed immediately to the port of Russell, in the Bay of Islands, and there land in her own boats the aforesaid troops, with their stores, camp equipage, accoutrements, &c., and on being discharged, shall, without any unnecessary delay, proceed to the Port of Sydney, in New South Wales, whereat she shall receive on board such troops with their stores, accoutrements, camp equipage, guns, provisions, &c., as the Governor of that colony, or officer deputed by him shall think proper to put on board; the said ship not to be detained in the port of Sydney aforesaid, more than 14 clear days; and shall then return with all due despatch to the aforesaid port of Russell, there to land, if required to do so, in her own boats, the said troops, with their stores, camp equipage, horses, guns, accoutrements and provisions as aforesaid; or if so required and directed by the Governor of this colony, or officer duly authorized by him, thence to convey the said troops to any other port of the said colony of New Zealand which may be indicated by the said authority.

In consideration whereof, the said Andrew Sinclair, Colonial Secretary as aforesaid, doth, on behalf of the said Government of New Zealand, agree and undertake to pay, by the hands of the Colonial Treasurer of the said colony, for the use and hire of the said vessel, to the said William Smillie Grahame in full for the above service (port charges of Sydney excepted), the sum of five hundred and fifty pounds (550 £).

Provided, and it is hereby further agreed between the said parties, that in the event of the said vessel on her return to the said port of Russell with troops as aforesaid, after notice having been given in writing by the master of the said vessel to the officer commanding the troops, of her readiness to disembark them, being detained at the instance of the Government of New Zealand, beyond 48 hours after her arrival at the said port, demurrage at the rate of eight pounds (8 £) for each working day shall be paid to the agent of the said ship by the New Zealand Government; and further, that for every day the said vessel shall be employed under the order of the said Government after the 48 hours above specified, the said agent for the said vessel shall be paid at the rate of eight pounds (8 £) for every day during which she shall be so employed, whether the said employment be to remain in the port of Russell, or to proceed elsewhere.

The said vessel to carry no cargo or freight, or passengers of any description, other than such as may be authorized in writing by the said Colonial Secretary of New Zealand, or by the Colonial Secretary of New South Wales.

Signed, sealed and delivered at Auckland, in the colony of New Zealand, on the day and year above written.

(signed) *Andrew Sinclair.*
Wm. S. Grahame.

In the presence of
(signed) *John White, Master,*
Jas. Stuart Freeman, Chief Clerk,
Witnesses.

Approved and confirmed,
(signed) *Robt. FitzRoy, Governor.*

(No. 2.)

(Extracts.)

Sir,

Government House, Sydney, 3 August 1844.

YOUR Excellency's letter of the 13th July last, soliciting, in the most earnest manner, military assistance from this colony, in consequence of events which have occurred at the Bay of Islands, reached me yesterday at one o'clock, P.M.

By the minute of my Executive Council, of which a copy is enclosed, your Excellency will perceive that I lost no time in taking the requisite measures to afford you all the assistance in my power; and I have now the satisfaction to inform you, that a party consisting of a field officer and 150 men of the 99th regiment, is embarked on board the ship "Sydney," which will proceed on her return to the Bay of Islands as early to morrow morning as wind and tide may permit.

I feel it my duty to ask your Excellency's attention to the concluding part of the minute of Council, which is enclosed.

I have, &c.

His Excellency, Captain FitzRoy,
&c. &c. &c.

(signed) Geo. Gipps.

(No. 3.)

NEW SOUTH WALES.

(Extracts.)

MINUTES of Proceedings of the Executive Council, on the 2d August 1844, relative to application from the Governor of New Zealand, for military assistance from New South Wales.

Members present:—His Excellency the Governor; His Excellency the Commander of the Forces; The Honourable the Colonial Secretary; The Honourable the Colonial Treasurer.

His Excellency the Governor, laid before the Council a letter received this morning from the Governor of New Zealand (dated the 13th July 1844), informing him, that occurrences of an alarming nature had taken place at the Bay of Islands, and applying in very earnest terms for military assistance from this colony.

The Governor then asked the advice of the Council as to the course which should be pursued.

The Council advised, that aid as nearly as possible to the required amount should be afforded to Governor FitzRoy, but looking to the repeated instructions which have been received from her Majesty's Government, respecting the distribution of the troops in the Australasian Colonies, recommended that an intimation should be made to Governor FitzRoy, to the effect, that the troops are only sent to New Zealand in consequence of the emergency which has arisen, and that they must be returned to New South Wales as soon as that emergency shall have ceased to exist.

(signed) Francis L. S. Merewether,
Clerk of the Council.

(No. 4.)

NUMBER of TROOPS sent to New Zealand, per Ship "Sydney."

99th Regiment—One field officer; one captain; three subalterns; nine sergeants; three drummers; 154 rank and file; also one acting assistant surgeon.

LIST of ORDNANCE STORES sent with the above detachment.

Two 6 pounder brass guns, with a proportion of ammunition and stores, complete.
Camp equipage for 300 men.
30,000 musket ball cartridges.
1,000 flints.

Likewise consigned to the Ordnance office, at Auckland, subject to the order of his Excellency the Governor of New Zealand, for services of the Government there, 100 new muskets, with accoutrements.

(signed) E. M. O'Connell.
Captain B. M.

Brigade Office, Sydney,
5 August 1844.

NEW ZEALAND.

COPY or EXTRACTS from any recent Despatch from the GOVERNOR of New South Wales, respecting OUTRAGES by the Natives in the Bay of Islands, in New Zealand.

(Mr. George William Hope.)

*Ordered, by The House of Commons, to be Printed,
14 March 1845.*

130.

Under 1 oz.

NEW ZEALAND.

RETURN to an Address of the Honourable The House of Commons,
dated 14 July 1845;—*for*,

“ COPIES or EXTRACTS of CORRESPONDENCE relative to an
ATTACK on the British Settlement at the BAY of ISLANDS by the Natives
of NEW ZEALAND.”

Colonial Office, Downing-street, }
15 July 1845.

(signed) G. W. HOPE.

(*Mr. G. W. Hope.*)

Ordered, by The House of Commons, to be Printed,
15 July 1845.

SCHEDULE.

- No. 1.—Extract of a Despatch from Governor Sir George Gipps to Lord Stanley, dated
Sydney, 17 February 1845 - - - - - p. 3
- No. 2.—Extract of a Despatch from Governor FitzRoy to Lord Stanley, dated Auckland,
26 March 1845 - - - - - p. 6
- No. 3.—Copy of a Letter from the Right Honourable H. T. L. Corry to G. W. Hope, Esq.,
dated Admiralty, 14 July 1845 - - - - - p. 24
-

COPIES or EXTRACTS of CORRESPONDENCE relative to an ATTACK on the
British Settlement at the BAY of ISLANDS by the Natives of NEW ZEALAND.

— No. 1. —

(No. 36.)

EXTRACT of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley*.

My Lord,

Government House, Sydney, 17 February 1845.

I AM sorry to have to report to your Lordship, that on the 11th instant I again received an urgent application from Governor *FitzRoy* for military assistance, and that with the advice of my Executive Council, and the concurrence of the Lieutenant-general commanding Her Majesty's troops, two companies of the 58th regiment will be embarked on board vessels hired for their conveyance, and that they will sail for Auckland in the course of a day or two. The party to be embarked will consist of:—

2 Captains,
4 Subalterns,
1 Medical officer.
200 Rank and file.

The documents, of which I enclose copies, will fully explain the circumstances under which I have thought it right to comply with the requisition of Governor *FitzRoy*, and I trust, also justify me in the eyes of your Lordship.

* * * * *

I have, &c.
(signed) *Geo. Gipps*.

No. 1.
Sir George Gipps
to Lord Stanley,
17 February 1845.

Governor *FitzRoy's*
Letter.
No. 1.
Minutes of
Executive Council,
12 February 1845.
No. 2.

Enclosures in No. 1.

(No. 1.)

EXTRACTS of a Letter from Governor *FitzRoy* to Governor Sir *George Gipps*.

Sir,

Auckland, 21 January 1845.

It has again become my very painful duty to request that your Excellency will afford this struggling colony such military and naval assistance as it may be in your power to send or obtain.

I do not now write in great haste, nor am I constrained to urge such immediate measures as were thought absolutely necessary last July; but I rely confidently on such speedy arrangements being made by your Excellency, as may be consistent with due deliberation and necessary preparations.

I was formerly unaware of the course likely to be taken by the majority of the natives; but I am now satisfied that the majority are friendly and well disposed, although I cannot for a moment overlook the possibility of their being converted into enemies.

* * * * *

I must also prepare for operations, in a woody country, at Wangarei, if not at the Bay of Islands; and I must take precautions for Auckland while hostilities are in progress elsewhere.

To enable me to carry out such measures, now become inevitable, I have to request, formally and most earnestly, that your Excellency will cause a body of troops, at least 200 strong, to be sent to Auckland, in vessels chartered to convey them thence either to Port Nicholson, or elsewhere in New Zealand, as may be necessary at the time of their arrival.

I cannot hope to be able to send any part of this force back to Sydney or Van Diemen's Land in less than three months; and I must distinctly state, that a strong permanent reinforcement of the military in this colony is now become absolutely indispensable to prevent plunder and massacre.

* * * * *

I have, &c.
(signed) *Robert FitzRoy*,
Governor of New Zealand.

PROCLAMATION.

By His Excellency *Robert FitzRoy*, Esquire, Captain in Her Majesty's Royal Navy, Governor and Commander-in-Chief in and over the Colony of New Zealand, and Vice Admiral of the same, &c. &c. &c.

WHEREAS an act of depredation has lately been committed at the Bay of Islands by the Kawakawa tribe, for which sufficient atonement has not been made by the aggressors :

And whereas a flagrant robbery accompanied by personal violence has been committed at Matakana, by the Wangarei tribe :

And whereas if such acts of lawlessness are not sufficiently checked, there will be no security for settlers at a distance from military protection.

I, the Governor, hereby proclaim and declare, that until all the property taken away from Mr. Hingston, at the Bay of Islands, and from Mr. Millon and others, at Matakana, is restored to them, until sufficient compensation is made for the injuries sustained, and until the chiefs Parehoro, Mate, and Kokou are delivered up to justice, I will not consent to waive the Crown's right of pre-emption over any land belonging to the Kawakawa or Wangarei tribes, or to any tribe which may assist or harbour the said chiefs.

And I hereby proclaim that upon the delivery of the aforesaid chiefs, or any one of them, into the custody of the police magistrate at Auckland, I will cause the sum of fifty pounds for each said chief, or one hundred and fifty pounds for all three chiefs, to be immediately paid for his or their apprehension and delivery.

I also hereby warn all persons, European or Native, that their assisting or harbouring the said chiefs, or other persons concerned in perpetrating outrages, will render themselves liable to be proceeded against according to law.

And I further proclaim that the strongest measures will be adopted ultimately, in the event of these methods being found insufficient.

Given under my hand, and issued under the public seal of the colony, at Government House, Auckland, this 8th day of January, in the year of our Lord 1845.

(L. s.)

(signed) *Robert FitzRoy*, Governor.

By Command.

Andrew Sinclair, Colonial Secretary.

GOD SAVE THE QUEEN.

PROCLAMATION.

By his Excellency *Robert FitzRoy*, Esq., Captain in Her Majesty's Royal Navy, Governor and Commander-in-Chief in and over the Colony of New Zealand, and Vice Admiral of the same, &c. &c. &c.

WHEREAS a serious outrage was committed at Russell, on the 10th of January, instant, by the chief John Heke, and a party of natives, in defiance of the Queen's authority, and in opposition to Her Majesty's laws.

Now I, the Governor, do hereby proclaim and declare, that in order that the said John Heke may be dealt with according to law, I will cause the sum of one hundred pounds to be immediately paid for his apprehension, on his delivery into the custody of the police magistrate at Russell, or of the police magistrate at Auckland ; and I hereby give public notice, that any person or persons, European or Native, who may be found assisting, harbouring or concealing the said John Heke, will be proceeded against according to law.

And I further call upon all persons to be aiding and assisting the civil power in apprehending the said offender, in order that he may be brought to trial.

Given under my hand, and issued under the public seal of the colony, at Government House, Auckland, this 15th day of January, in the year of our Lord 1845.

(L. s.)

(signed) *Robert FitzRoy*, Governor.

By command,

Andrew Sinclair, Colonial Secretary.

GOD SAVE THE QUEEN.

EXTRACT of a Letter from *Thomas Beckham*, Esq. to Governor *FitzRoy*, dated Russell, 10 January 1845.

It is with deep regret I have the honour to inform your Excellency, that much to my surprise, John Heki and his tribe cut down the flag-staff soon after daylight this morning, but without doing any violence to the Europeans, or even entering the town.

The reason for his again offering this insult, seems to be a general dislike to the British Government.

Under what circumstances this flag was given, I am now unable to say, but at the present crisis it looks suspicious, and was at least very ill-judged.

It is reported, but with what truth I cannot affirm, that Heki's ultimate intention is to pull down the gaol and public offices.

This bad disposition does not appear to be prevalent amongst the natives generally.

I have, &c.

(signed) *Thomas Beckham*, Police Magistrate.

Sir,

Police-office, Russell, 14 January 1845.

I HAVE the honour to inform your Excellency that since my last communication, Heki and his party have thrown this district into the greatest state of alarm and excitement, by robbing and destroying the property of the settlers in the neighbourhood.

Heki's present determination is to pull down the gaol and public offices, and would, most probably, have carried his threat into execution last night, had it not been for the assistance of the friendly tribes at the Rawati. So positive was the information an attack was intended, that I felt it my duty to remove the prisoners from the gaol, muster the town's people, establish patrols, and have the arms and ammunition ready to issue at a moment's notice.

The natives will remain in town until your Excellency's wishes are made known.

I despatch this by my boat, as there is no other vessel about sailing.

I have, &c.

His Excellency the Governor,
&c. &c. &c.

(signed) *Thomas Beckham*, Police Magistrate.

EXTRACT of a Letter from *Thomas Beckham*, Esq., Police Magistrate, to Governor
FitzRoy, Esq., dated Russell, 16 January 1845.

Sir,

REFERRING to my letter of the 14th instant, I have the honour to inform your Excellency that Heke, with seven canoes filled with armed men, landed in a small bay adjoining this settlement, at daylight on the morning of the 15th, for the purpose of putting his threats into execution; viz.—to destroy all the Government buildings. But I am happy to state, that he has been deterred from accomplishing his object, by the presence of the tribes from the "Kawiti," about 200 strong, and a guard of the inhabitants, whom I have kept ready to arm at a moment's notice.

I have, &c.

(signed) *Thomas Beckham*,
Police Magistrate.

(No. 2.)

NEW SOUTH WALES.

PROCEEDINGS of the Executive Council relative to an Application from the Governor of
New Zealand for Military Assistance.

EXTRACT from Minute of the 12th February 1845, No. 4.

Members present:

His Excellency the Governor, his Excellency the Commander of the Forces, the Honourable
the Colonial Secretary, the Honourable the Colonial Treasurer.

HIS Excellency the Governor laid before the Council a letter from the Governor of New Zealand, dated 21st January 1845, "earnestly requesting that a body of troops, at least 200 strong, might be sent to Auckland as speedily as might be consistent with due deliberation and necessary preparatives." The circumstances which called forth this application were detailed in Governor FitzRoy's letter and its enclosures.

The Commander of the Forces stated from his place in the Council, that 200 men might be spared, and that the military force left in the colony would then exceed 1,200 men. The Commander of the Forces added, that the arrival from England of two or three detachments of the 58th regiment was expected.

The Governor then remarked, that on the 2d August 1844, the Council had felt considerable difficulty in acceding to a similar request from Governor FitzRoy, in consequence of the repeated instructions from the Home Government in respect to the distribution of the troops in the Australasian colonies; and the Council had thought it necessary to advert, in the minute then made, to those instructions, as a ground for urging Governor FitzRoy to return the military force then sent to his assistance, as soon as the immediate object for which it was required, should have been accomplished. But the present application from Governor FitzRoy was not founded like the former, on a single act of violence, but on the general state of the colony; and his Excellency could not but fear that the want of troops to keep in check the natives, and to preserve peace between the two races, would be more extensively felt in proportion as the late Report of the Select Committee of the House of Commons, which sat on the affairs of New Zealand in the month of July last, should become generally known in the colony; indeed, his Excellency added, the necessity for the maintenance of a sufficient military force in New Zealand was distinctly recognized in that Report. Under these circumstances, his Excellency stated, that he thought Governor FitzRoy's requisition must be complied with, though at the same time he could scarcely

hope that the troops would be returned to New South Wales within the period of three months, mentioned by Governor FitzRoy, or indeed within any period that could reasonably be calculated upon.

The Council concurred in the opinion expressed by his Excellency, and advised accordingly, that a force not exceeding 200 men, should be sent to Auckland, as requested by Governor FitzRoy.

(signed) *Francis L. S. Merewether*,
Clerk of the Council.

—No. 2.—

(No. 17.)

EXTRACT of a DESPATCH from Governor *FitzRoy* to Lord *Stanley*, dated
Auckland, 26 March 1845.

No. 2.
Governor FitzRoy
to Lord Stanley,
26 March 1845.

My Lord,

It is my painful duty to report to your Lordship that a disastrous calamity has befallen New Zealand, and that the most speedy and effective measures must be taken by Great Britain, if it be intended to maintain this colony in such a condition as will afford a prospect of eventual prosperity.

On the 11th day of this month an attack was made by natives, under the chief Heke, and the result was the destruction of Russell (or Kororareka), in the Bay of Islands, with the loss of many lives.

On the British side, 13 were killed, and 23 wounded, some so severely, that two have since died.

Of the natives, 34 are known to have been killed, and at least 68 wounded, some most severely.

A succession of untoward events happened in the doomed settlement, for which no foresight could have prepared.

On the previous day distinct assertions were made that the natives would not attack the town, by which the harassed and fatigued settlers, tired with constant drilling and labouring at temporary works of defence, were thrown off their guard.

A block-house above the town, at which an officer and 20 men of Her Majesty's 96th regiment were stationed, was surprised and taken without resistance, the officer and 16 men being at some distance from their post, instead of being inside the house, and no attempt being made to rally and retake it.

This block-house guarded the flag-staff, and commanded the town; it was the key to our position.

The magazine in the town exploded, by which many persons were grievously confused and wounded, and much valuable property was destroyed, besides which, all the ammunition was lost.

After the first general attack on the town, in which they were completely repulsed, chiefly by a small body of seamen and marines of Her Majesty's ship "Hazard," led by her gallant acting commander David Robertson, who was severely wounded by several balls; the natives gained possession of the heights around the town (a place most easy to attack, most difficult to defend, without works on the hills, as the enclosed sketch will show), and kept under cover, acting as riflemen.

Sketch.
From Lieutenant
E. Morgan.

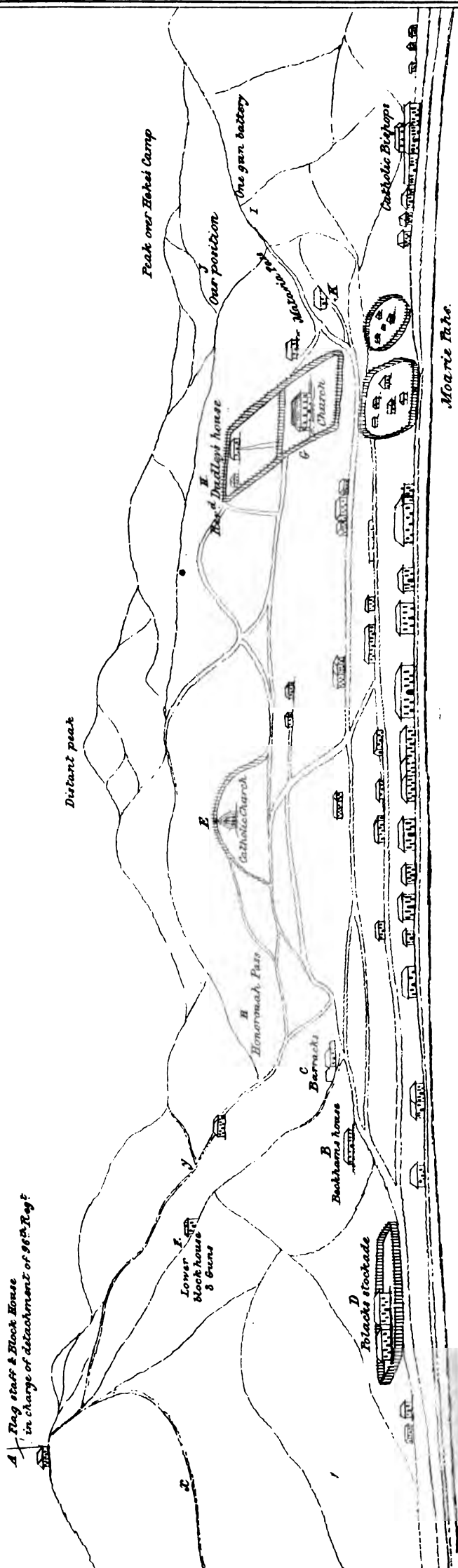
It was obvious to Mr. Beckham, the police magistrate, whose conduct throughout I have much reason to praise, that without a tenable position, without ammunition, with numbers severely wounded, and many dead, with numerous women and children utterly helpless, it would have been hopeless to remain and encounter the night attack, with burning, plunder and massacre, which would follow the native triumph of the day.

An evacuation of the place was therefore determined; and, under the occasional well-directed fire of the Hazard's guns (to deter the natives from rushing down the hills to attack the settlers) the whole population were safely embarked on board the Hazard, the St. Louis (United States frigate), and the Matilda (English whaler), after which the natives plundered and burned the town, leaving only the missionaries' houses and the churches standing.

Justice to the natives, misled and rebellious as they are, requires me to state that European troops would not have behaved better, nor shown less vindictiveness.

Acts.

SKETCH OF KORORAEKA.

ENCLOSURE N^o 1.A. The Flag staff and Block House in charge of a detachment of 96th Regt.

B. Mr. Beckhams House.

C. Barracks where the Soldiers and Marines were lodged.

D. Stockade where the civilians were exercised & refuge for the women.

E. Catholic Church.

F. Lower Block House with 8 Guns a heavy cross fire kept up by the natives from x. & y.

G. Church close to the Matarua pass round which the natives rallied.

H. Honourable Pass & Rev. A. Dudley's House.

I. One Gun Battery where W. Lovell was killed after spiking the Gun.

J. Position of small arm men Co of Howard under Comd. Robertson.

K. Where Corn Robertson fell.

Frontage about $\frac{1}{4}$ of a mile.

Acts of a chivalrous nature were performed by them, and their forbearance towards the settlers, especially the missionaries, after the conflict, was remarkable.

No missionary, no mission property known to be such, was injured intentionally.

The settlers, the Hazard's officers and crew, and the soldiers of the 96th, behaved extremely well, as their severe loss unhappily proves; but they fought under the greatest possible disadvantage of position and circumstances.

The captain of the United States frigate, D. M'Keever, did every thing that a humane and brave officer of a foreign but friendly power could do under such circumstances.

He could not interfere hostilely, but he sent his unarmed boats, and went himself, under frequent fire, to succour the women and children, and convey them safely to his frigate.

He afterwards brought 125 souls to Auckland; and he is now at anchor in the Bay of Islands, ready to afford a refuge to our missionaries and their families, should they require such friendly assistance.

It may occur to your Lordship's mind that our whole military force, small as it is, might have been concentrated at Russell; and it is necessary for me to explain that Wellington was threatened, and could not be left without some protection, however inadequate; and that it was Heke's intention, in the event of all the troops leaving Auckland, to make feigned attacks on Russell, while his main body attacked the Government-house and other buildings at Auckland.

Further details will be afforded by the annexed documents.

* * * * *

(No. 1.)

Sir,

Government House, Auckland, 14 January 1845.

In consequence of the flag-staff at Russell having been again cut down by the native chief, Heke, or his followers, it is necessary that a detachment from the force under your command should proceed to Russell, and remain there for at least three months.

I have therefore to request that you will authorize the movement of an officer and about thirty men to that place.

Her Majesty's colonial brig, "Victoria," will be ready to embark them on the 16th instant, at ten o'clock, A. M.

I have, &c.

Lieut.-Colonel Hulme,
Commanding the troops in New Zealand.

(signed) *Robt. FitzRoy*,
Governor.

(No. 2.)

Sir,

Auckland, 15 January 1845.

I HAVE received your letter dated the 10th instant, reporting that the flag-staff at Russell had been again cut down by the chief Heke, and his followers.

You will cause a new flag-staff to be made and erected without delay.

You will swear in 50 special constables, distribute to them the arms in your charge, with a proportion of ammunition, and make arrangements for assembling when necessary, either to prevent insult or molestation, or to apprehend Heke, if he should venture within reach.

The accompanying proclamation is to be circulated and posted up in conspicuous places. A detachment of military will remain at Russell for your support and protection, while they can be spared from head quarters.

You will no longer have any scruple about arming and organizing the inhabitants of Russell. Let your preparations for resisting any further insult be open and undisguised, but calm and regular.

Should any favourable opportunity offer for capturing Heke and securing him, in order that he may be brought to trial, I trust that it will not be lost; but such an attempt ought not to be risked unless success appears probable.

Enclosed is a special authority required by the Native Exemption Ordinance, to enable you to proceed directly against the offender Heke, without directing a warrant to the Protector of Aborigines.

Inform all parties interested, that I have gone to the utmost limit of forbearance and moderation; that I shall now take a different course; that I have written to Sydney and England; and that Heke, with those who assist or countenance him, must prepare for the consequences.

15 January 1845.
100 £ reward for
apprehension of
Heke.

Warn the settlers that a strict blockade of the Bay of Islands may become inevitable, and that they had better prepare in time for so disastrous a measure.
Individual interest must yield to state necessity.

Thomas Beckham, Esq.
Police Magistrate, Russell.

I have, &c.
(signed) *Robt. Fitz Roy*,
Governor.

(Extract.)

(No. 3.)

Sir,

Auckland, 20 January 1845.

I HAVE received your letters of the 14th and 16th instant, and am exceedingly grieved by what has occurred.

Your own anxiety and fatigue amid the general excitement, inseparable from such a state of affairs as Heke has caused, I do not overlook.

It is now quite evident that coercive measures are indispensable, and I am writing by the "Tryphena" which sails to-morrow for Sydney, for troops and field-pieces.

(Enclosed is a letter I have written to the chiefs at Russell.)

I expect the "North Star" and the "Hazard" here very shortly, and I am certain that there will be no delay in sending troops from Sydney.

Thomas Beckman, Esq.
Police Magistrate, Russell.

I have, &c.
(signed) *Robert Fitz Roy*,
Governor.

(No. 4.)

Sir,

Auckland, 20 January 1845.

THERE is no longer any doubt as to the necessity for employing the military in active operations at Port Nicholson, and at the Bay of Islands or Wangarei.

I have exhausted every means of averting such a course, but in vain; there is a limit beyond which forbearance and peaceful conduct cannot be carried without becoming injurious to the permanent welfare of the community, and at that limit I have fully arrived.

Recent transactions at Matakana, in the Bay of Islands and at Port Nicholson, of which you are aware, require that a force of not less than 200 men should be prepared to act at either place as may be most urgently required, in addition to the troops now in New Zealand.

Blockhouses will be required, capable of containing, together at least, 100 men, wherever employed, and their construction in such a manner as to be easily portable and quickly erected, should be immediately commenced at Auckland.

The barracks at this place being completely exposed, without wall, bank, palisade or ditch, ought, in my opinion, to be secured by at least a deep ditch and a strong stockade, if not a wall; but on this subject, I will only state that I am ready to authorize such works as you, with the assistance of the commanding engineer, inform me are necessary for the defence of your present position by a few men, in case of the absence of the greater part of your force, and for enabling you to take up and maintain a temporary position in the valley of the Hutt, at the Bay of Islands, or at Wangarei.

I am writing to Sir George Gipps and to Sir Maurice O'Connell, earnestly demanding adequate military assistance.

Enclosed is an extract from my instructions, which I will thank you to return.

Lieutenant-Colonel Hulme,
Commanding the Troops in New Zealand.

I have, &c.
(signed) *Robert Fitz Roy*,
Governor.

(No. 5.)

Sir,

Auckland, 25 January 1845.

THE "Victoria" will convey a serjeant and 10 privates of the 96th to reinforce your small garrison.

A blockhouse is being constructed to be placed on the hill, at the flag-staff, when next erected.

Prepare a new flag-staff in the town, to be in readiness for placing on the hill, in its former situation, after the blockhouse is secured, and you are still further reinforced.

Another officer and 10 more men will be sent with the blockhouse, when ready. I have written urgently to Sir George Gipps, and shall lose no time in strengthening your position, by sea and land.

I have recalled Her Majesty's ship "Hazard," and am writing to England.

Warn the settlers quietly of the consequences that Heke is bringing on the whole neighbourhood.

I can

I can assure them that Great Britain never will allow her flag to be displaced permanently.

Thomas Beckham, Esq.,
Police Magistrate, Russell.

I have, &c.
(signed) *Robert FitzRoy*, Governor.

(No. 6.)

Sir,

Auckland, 25 January 1845.

I HAVE the honour of requesting you to return to Auckland as soon as possible, to co-operate with the military in operations about to be undertaken, unless your presence is required for the actual protection of life and property at Wellington.

I have, &c.
(signed) *Robert FitzRoy*, Governor.

Acting Commander Robertson,
Her Majesty's ship "Hazard."

(No. 7.)

Sir,

Government House, Auckland, 11 February 1845.

I HAVE the honour of requesting that you will proceed with Her Majesty's ship under your command to the Bay of Islands, and there afford all the support and protection to the duly constituted authorities, and to the Europeans generally, which may be in your power.

It will be necessary that you should be extremely guarded and circumspect, taking no measure of a hostile or political nature, without due consultation with the principal magistrate, Mr. Beckham, unless in a case of sudden emergency; and care should be taken not to create unnecessary suspicion or alarm in the minds of friendly natives by any demonstration for which they are not previously prepared.

I wish to impress upon your mind that your present course should be strictly defensive, and that no taunts or provocation, whether from European or native, should induce you to be drawn into hostilities, except in self defence.

Under the present difficult circumstances of the colony, each step must be anxiously considered, and a deliberate choice should be made of that which may cause the least evil.

I have further to request that you will give assistance in disembarking, transporting and securing the blockhouse at Russell, and that you will afterwards give similar aid in erecting the flag-staff, and securing it from injury.

I have directed Mr. Beckham to communicate with you freely, and show you the correspondence that has passed relative to the disturbances at the Bay of Islands.

I need hardly remark, that the consequences of loss of native life, unless the natives should, at the time, be the aggressors, might be retaliation upon unarmed and defenceless out-settlers, and a contagious spirit of revenge most difficult to check or allay.

I have, &c.
(signed) *Robert FitzRoy*, Governor.

Acting Commander Robertson,
Her Majesty's ship "Hazard."

(No. 8.)

Sir,

Government House, Auckland, 12 February 1845.

I HAVE requested the Commander of Her Majesty's ship "Hazard" to consult with you, and I hope that you will communicate freely with him, in order that he may benefit by your acquaintance with the critical circumstances of the Bay of Islands, and by your steady discretion, in which I have full confidence.

I should wish you to show him the correspondence that has lately passed relative to the disturbances in your neighbourhood, and to offer him such suggestions as may seem to you advisable.

Captain Robertson will give assistance in disembarking, transporting and securing the blockhouse, sent on board the "Hazard" to Russell; and he will afterwards aid you in erecting and securing the flag-staff, which should be placed within the small palisade in front of the blockhouse.

You are hereby authorized to purchase materials for the said palisade, or stockade; and whatever may be necessary for erecting and duly securing the flag-staff.

I should propose that the lower part of the staff, to about eight feet from the ground, should be guarded by iron bars, hoops and chain, so as to resist any axe.

You will have the goodness to communicate with the officer in command of the military detachment, respecting a guard to be placed at the blockhouse every night; and you will make such arrangements as will ensure a prompt communication between that outpost and your head-quarters, in the event of attack.

517.—II.

B

You

You will make such use of the lock-up, when completed, as you may find necessary for temporary public purposes.

No person, except on duty, should be allowed to go within the palisade of the blockhouse, either by night or day. A gate or gates should be fixed and locked, if a picket guard is not kept there constantly, which I think you will probably require.

I have, &c.,

(signed) *Robert FitzRoy*, Governor.

Thomas Beckham Esq., Police Magistrate,
Bay of Islands.

(Extract.)

(No. 9.)

Auckland, 18 February 1845.

Sir,

IN compliance with your instructions under date 24th January 1845, I have the honour to report to you, that I arrived in the Bay of Islands on the 27th following, and immediately communicated with Mr. Protector Kemp, on the state of the district.

Heke had left the "Bay," and was at that time in the vicinity of Kaikohe, using every exertion to induce the tribes in that part of the country to support him in his opposition to the Government. I visited Te Waimate, Pakaraka, Tarainai, Te Keri Keri and Kororika, and saw parties of natives from Wangaroa, Te Kawa Kawa and Hokianga.

A few days after my arrival in the Bay, Heke removed from Kaikohe to Waimate, and succeeded in enticing many of the young men to follow him.

Hitherto, I believe Heke has personally abstained from committing any acts of aggression upon individual settlers, though he has either not attempted, or been unable to restrain his adherents.

He has endeavoured to persuade those of his countrymen who have remonstrated with him on his conduct, that they are all the slaves of British tyranny; that his object is to restore their former freedom, and remove every mark of British authority.

He further assured the natives generally, that he would not molest the white settlers, except in retaliation for any hostile measures the Government might adopt towards himself or his friends.

The Wangaroa tribes, who had been under repeated obligations to Heke, had publicly expressed their determination to co-operate with him in all his proceedings against the Government, besides parts of the several tribes of the Hokianga, Kaikohe and Waimate districts.

That portion of the Kawa Kawa natives immediately under the influence of Rukei, aware that they had incurred the displeasure of the Government for taking away some horses belonging to Mr. Hingston, have also, on that account expressed their determination to assist Heke in all his proceedings against the Government.

The principal chiefs who have hitherto publicly opposed Heke, are Nene, William Hae, Paratene, Pukututu and Repa.

Those most disaffected, towards the Government, are Heki, Hira, Haurangi, Kawiti, Ruku, Marupo and Tawai.

Pomare, Ruhe, Tareha and others are wavering. They will, probably, be influenced by particular circumstances. They have constantly refrained from any public expression of their intentions.

I think it probable, that more than half the natives in the district will at least join in defending Heke, from any offensive operations of the Government.

There can be little doubt that Heke carries with him the sympathies of nearly the whole of the natives in the Bay of Islands, and the vicinity; not so much from his representing his motives as purely patriotic, as from the circumstance of his having drawn to his party, the majority of the youth of nearly every tribe. The chiefs, who are otherwise well disposed to the Government, and the white settlers "cannot" (to use their own words) "see their children, the hope of their people, die, though in an unjust cause, without at least endeavouring to protect them from the anger of the stranger."

* * * * *

In conclusion, I would remark, that from whatever circumstances it may have arisen, there is among the natives of the Northern District, evidently a strong and (with the exception of the well affected parties, I have alluded to) general feeling of dislike and contempt for the authority of Her Majesty's Government, which I fear must increase daily, not only in the immediate district, but in every part of the island unless measure are speedily adopted to check it. The consequence of any unsuccessful measures on the part of Government, must necessarily tend to confirm the natives every where in this disposition.

I have, &c.

(signed) *George Clarke, jun.*
Protector of Aborigines.

The Chief Protector of Aborigines.

(No. 10.)

Sir,

Government House, Auckland, 22 February 1845.

I RECEIVED your letters of the 17th and 20th instant this morning; and as you think that retaliation will follow loss of life in attacking the flag-staff or blockhouse at Russell, I have to desire that you will immediately send intimation, privately, to the out-settlers, that the flag-staff and blockhouse will be defended; and that loss of life will certainly be the consequence of an attack.

It will be for the settlers to decide for themselves as to removal; Government cannot hold out any prospect of assistance or protection now, except at the town of Russell; neither can any compensation for loss or damage, be made by the Government hereafter.

Warn the settlers, at the same time, that a blockade of the Bay of Islands and adjoining coasts is in contemplation, but that aggressive measures against Heke and his adherents will not be undertaken by me without further warning.

I have, &c.

(signed) *Robert FitzRoy*, Governor.

Thomas Beckham, Esq., Police Magistrate, Russell.

(No. 11.)

Sir,

Auckland, 25 February 1845.

THE state of affairs in this colony is still more critical than when I last had the honour of addressing your Excellency; but I am relying upon the effectual support and protection which we shall eventually receive, and, meanwhile, am acting only on the defensive.

The majority of the natives are decidedly favourable to the Queen's sovereignty; but they may be soon made hostile by injustice or undue interference.

I have, &c.

(signed) *Robert FitzRoy*, Governor.

His Excellency Sir George Gipps.

(No. 12.)

Sir,

Russell, 22 February 1845.

I HAVE the honour to inform your Excellency that, since my communication of the 20th instant, nothing of consequence has transpired.

"Heke," with a strong party, will be at the "Wahapu" at the beginning of the next week, and the natives affirm that he is coming by the express invitation of Mr. ———.

I have just had a long conference with Archdeacon Williams, relative to attempting his capture there; he is of opinion it would not only be an "unfavourable opportunity," but impolitic, as we should then be the aggressors, and act on the offensive; which, I apprehend, your Excellency wishes us to avoid.

If Heke has the temerity to endeavour to effect a landing at Kororarika, he will then become the aggressor, and we may capture him without the danger of the disastrous consequences which might otherwise take place.

Mr. Williams thinks the presence of your Excellency here for a few days would be extremely beneficial, and that it might be done without making a compromise; but affairs have now assumed so critical a position, that it is impossible to say how soon a collision may take place.

The lower mast of the flag-staff was erected this morning.

I am sorry to say that Mr. Dixon declines acting as extra clerk, as the business has so much increased by the late troubles, that I should have been glad to have availed myself of his services in that capacity.

I have, &c.

(signed) *Thomas Beckham*,
Police Magistrate.

His Excellency the Governor, Auckland.

(No. 13.)

Sir,

Russell, 25 February 1845.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 22d instant.

I yesterday visited the chiefs at the "Wairoa" and the "Te" (Tareha's River), in consequence of a report being circulated that the troops were to destroy them indiscriminately after the capture of "Heke."

I am happy to say that they have promised to remain quiet should a collision take place.

On my return in the evening, I found that upwards of 300 natives, well armed, had assembled at Russell (Okiato), I therefore took the necessary precautions to prevent a surprise.

About three o'clock this morning the troops and inhabitants were turned out by Mr. ———, purposely giving a false alarm.

If such proceedings be not prevented, the forces will be much harassed and disgusted. Under these circumstances, if your Excellency think it advisable to issue a proclamation, prohibiting persons to appear in the streets after a certain hour without a passport, these serious annoyances would be prevented.

I am just going to Pahia to see Archdeacon Williams, and shall write your Excellency more fully in a day or two by the "Dolphin."

I have, &c.

(signed) *Thomas Beckham,*
Police Magistrate.

His Excellency the Governor, Auckland.

(No. 14.)

Russell, 26 February 1845.

Sir,

I HAVE the honour to inform your Excellency that Heke is still in the vicinity of Waimate, his operations having been retarded by the heavy rains that have fallen during the last few days.

The natives who were at Russell on the night of the 24th instant, belonged to the "Kawa Kawa," and expected to have been joined by Heke on that occasion. It appears they robbed the houses of Messrs. Black and Green, and then returned to their pahs, where they are waiting the arrival of Heke.

It is currently reported amongst the natives, that Mr. ——— has been commissioned by your Excellency to ascertain from Heke what payment he requires to remain quiet; this absurd rumour will, I fear, have a very injurious effect.

Several chiefs have applied to me for passports insuring their safety, should they enter the town. I have mentioned this circumstance to Archdeacon Williams, who thinks it would be beneficial for the principal chiefs to have such a document if they ask for it, as it would tend to keep them distinct from the evil disposed; he also recommends that a register of the good and bad natives should be kept.

In my letter of the 22d instant, I informed your Excellency that Mr. Dixon had declined acting as extra clerk, circumstances have since changed, and he will now have much pleasure in accepting your Excellency's offer.

I have, &c.

(signed) *Thomas Beckham,*
Police Magistrate.

His Excellency the Governor, Auckland.

(No. 15.)

Russel, 27 February 1845.

Sir,

I HAVE the honour to inform your Excellency, that Heke was at "Kai Kohe" yesterday, and was joined by two hundred natives from the Hokianga, of the Mangamuka tribe, and was to march to the Kawa Kawa, as soon as the weather broke, where Kaweti and about two hundred men are waiting to receive him; when I believe he will venture an attack.

Affairs here have become so critical, that I have again issued arms to the special constables, and intend privately drilling them. I have selected Mr. Polack's house, and the lock-up, as places of refuge for the women and children; both buildings being out of the range of the "Hazard's" guns, should it be necessary for her to act.

Mr. ——— has been in communication with Heke, and from his character I fear it will be productive of any thing but good. From reports which have reached me, it appears he has had some interview with your Excellency, the result of which I am fearful he is perverting.

The settlers in the neighbourhood are much alarmed, and are coming into town.

I have, &c.

(signed) *Thomas Beckham,*
Police Magistrate.

His Excellency the Governor, Auckland.

P. S.—The "Sir John Franklin" has been detained since Saturday by strong easterly gales.

(signed) *T. B.*

(No. 16.)

Russell, 28 February 1845.

Sir,

I HAVE the honor to inform your Excellency, that in consequence of the present critical appearances, I have thought it necessary to drill the inhabitants (privately).

Military and civil patrols are again established.

A strong fence will be this day erected around Mr. Polack's house, to cover the troops from the fire of the assailants.

Several

Several robberies have been committed in the neighbourhood of Russell, (Okiato) by Kaweti's tribe.

I have, &c.
(signed) *Thomas Beckham,*
Police Magistrate.

His Excellency the Governor, Auckland.

(No. 17.)

Sir,

Russell, 1 March 1845.

I HAVE the honour to inform your Excellency, that I received information last night, at six o'clock, that a large body of natives were attacking Mr. Wright's house.

I immediately proceeded to the spot, accompanied by the pinnace and cutter of Her Majesty's ship "Hazard," and on arriving there, I found that the natives had destroyed and plundered every thing it contained.

I am happy to say that no violence was offered to the inmates.

Three other houses in the neighbourhood of Russell (Okiato) were also robbed and burnt to the ground.

I have, &c.
(signed) *Thomas Beckham,*
Police Magistrate.

His Excellency the Governor,
Auckland.

(No. 18.)

Her Majesty's Ship "Hazard," Bay of Islands,
4 March 1845.

Sir,

I HAVE the honour to inform you, that a collision took place between my armed pinnace and the natives yesterday afternoon; Mr. Beckham will have informed your Excellency of the robbery committed on Mr. Turner's premises.

On Mr. Beckham's applying to me for assistance, I landed with my small-armed men, and marched overland, sending the pinnace round, and on our arrival, finding they had decamped, I sent the pinnace to intercept them whilst crossing the river at Russell. I herewith enclose the officer's report of his proceedings.

I have, &c.
(signed) *D. Robertson,*
Acting Commander.

His Excellency Captain R. FitzRoy,
Governor.

Her Majesty's Sloop "Hazard," Bay of Islands,
3 March 1845.

Sir,

In compliance with your order, I proceeded up to Russell with the pinnace to try and intercept a party of Maories, who had stolen some horses and other property from the farm of Mr. Turner; when I met a party of friendly natives who told me they were round the next point, when having pulled up, I saw a party of them with the horses ascending a ridge of hills, and a large canoe full of men paddling along the land; I immediately gave chase to the canoe, but finding we had no chance of coming up with them, and that the natives were assembling on the hills, on both sides of the river, covered by the brush-wood and fern, I judged it advisable to return, when they immediately opened fire upon us from both sides of the river, which I returned with grape and musketry, but from the nature of the country, of little or no effect, and having one man wounded, and being completely exposed to their fire, I returned to the ship.

I have, &c.
(signed) *E^d E^d Morgan,*
Acting Lieutenant.

Captain D. Robertson,
Her Majesty's Sloop "Hazard."

(No. 19.)

Sir,

Russell, 4 March 1845.

I AM sorry to inform your Excellency that Kaweti's tribe have been again committing most serious outrages in this neighbourhood.

Yesterday I received information that a small party of his tribe were plundering the house of Mr. Turner, at Uriti, near Russell (Kororarika).

I immediately proceeded to the spot by land, with a party of men from Her Majesty's ship "Hazard," the pinnace being sent round for the purpose of cutting off their canoes; but on our arrival there, we found that they had decamped, and that all the property had been destroyed, a quantity of wheat burnt, and two horses stolen.

From what I could ascertain, it appeared that the natives landed at Russell, and walked overland. Conceiving that the horses might be recaptured as they were being taken across the river, the pinnace, under the command of Lieutenant Morgan, accompanied by Mr. Watson, was sent there for that purpose; but not seeing the canoes, Mr. Watson thought it advisable to go higher up the river.

On arriving opposite Pomare's pah, further pursuit seemed useless; and on the boat being put back a fire from both sides of the river was opened on her, which was immediately returned by grape and musketry; but the assailants being under cover, and on a high hill, the guns from the pinnace could not reach them, and it therefore returned to the ship, one of the seamen being slightly wounded in the head. I have heard that none of the Maories were hurt.

It is now clearly shown that the natives are determined to have war; and I beg to suggest to your Excellency's consideration the propriety of immediately laying an embargo on all canoes, except those belonging to chiefs who may have obtained passports, as it is now too evident that the most stringent measures are absolutely necessary.

I have built a strong stockade round Mr. Polack's house for the protection of women and children. A blockhouse, with cannon, is also erected on a commanding hill immediately above it.

The whole of the inhabitants are now being organized and drilled, under the superintendence of Mr. Phillpotts; and I cannot but express my thanks for the great assistance rendered by Commander Robertson and the officers of Her Majesty's ship "Hazard" in building the blockhouse and fortifications.

In consequence of the inhabitants being constantly on duty during the day and night, many are without the means of subsistence. Will your Excellency, therefore, authorize my issuing to each person so situated, in number about 20, a small ration, until these times of trouble and anxiety are ended.

Heke has not taken any part in these late outrages. He arrived at the Waitangi this morning, and Archdeacon Williams has gone to see him.

The United States corvette "St. Louis," arrived here yesterday from Sydney. Captain M'Keever brought a despatch from Sir George Gipps, which I beg to enclose.

I am much in want of about 50 muskets and ammunition, to complete the arming of the inhabitants, also shot and cartridges for 9 and 12-pounder cannon.

I have, &c.

(signed) *Thomas Beckham*, Police Magistrate.

His Excellency the Governor, Auckland.

Mr. Watson is extremely active, and renders me much assistance.

(signed) *T. B.*

(No. 20.)

Sir,

Auckland, 6 March 1845.

I HAVE received your letter dated the 4th instant, informing me that a collision had taken place between the pinnace of Her Majesty's ship under your command, and a party of natives, in consequence of measures taken by yourself on shore with a party of small-arm men and Acting-Lieutenant Edward E. Morgan in the armed pinnace, at the request of the police magistrate, and I beg to express my thanks to yourself, to Lieutenant Morgan, and the party under your orders, for your prompt attention to, and efficient support of the police magistrate, not only on that occasion, when, I am sorry to learn that one of your men was wounded, but on all occasions since you have been at the Bay of Islands, as I am informed by that officer, in whose discretion and judgment I have confidence.

I have, &c.

Acting Commander D. Robertson,
Her Majesty's sloop "Hazard," Russell.

(signed) *Robt. FitzRoy*,
Governor.

(No. 21.)

Sir,

Auckland, 6 March 1845.

I HAVE received all your letters down to the 4th instant.

The "Victoria," with an officer and ten of Her Majesty's 96th regiment, will sail immediately for Russell. By her I send 40 stand of arms, and a thousand rounds of ball cartridge.

You are hereby authorized to issue such rations as you may think necessary during the present harassing state of affairs, to those inhabitants who are without the means of subsistence. I approve of your issuing passports to those chiefs who may apply for them, and

and of your registering, as accurately as may be practicable, the various tribes and individuals, with a view of present knowledge and future reference.

Your conduct, aided by the counsels of the Venerable the Archdeacon, has been so correct, that my only anxiety is to afford you speedy and ample assistance.

Two companies of Her Majesty's 58th regiment are on their way, and I have sent the "Albert" to cruise for and direct them into the Bay of Islands. I do not think that I ought to leave Auckland at present, but you may rely on my cordial and liberal support of yourself and those who are assisting you so satisfactorily in such defensive measure as you may find it necessary to adopt, without waiting for reference to head quarters.

I wish you to lay an embargo on all canoes, except those belonging to chiefs who may have obtained passports, but be very cautious to avoid injuring any friendly or neutral natives.

The necessity of particular caution in this matter must be impressed on all the officers of Her Majesty's ships.

I enclose a letter from Sir George Gipps, and am quite sure you have already shown Captain M'Keever all the attention in your power.

Thomas Beckham, Esq.
Police Magistrate, Russell.

I have, &c.
(signed) *Robt. FitzRoy*,
Governor.

(No. 22.)

(No. 23.)

EXTRACT of a Letter from Governor *FitzRoy* to Governor Sir *George Gipps*, dated
Auckland, 20 March 1845.

Sir,

THE enclosed copies of letters from Mr. Thomas Beckham, police magistrate at the Bay of Islands, and from Lieutenant George Phillpotts, of Her Majesty's ship "Hazard," will give your Excellency some particulars of a severe conflict that has taken place at Russell (otherwise called Kororareka).

I lament to say that 13 British lives have been lost, and that many brave men are severely wounded, among whom the greatest sufferer is the gallant acting commander David Robertson, who, with a small party of about 30 seamen and marines, opposed and dispersed a compact body of about 200 well-armed natives who were advancing upon the town.

Other bodies of natives, in number about 400, chosen men, advanced from different directions, and one of them, under Heke, surprised a blockhouse at the flag-staff, killed the only three men who were there, and again, for the fourth time, cut down the staff.

This occurred at about sun-rise, from which time till towards noon, the firing was general from the natives on the heights surrounding and overlooking the settlement, and from the British among the wooden houses.

A complete repulse was effected; the natives hoisted a flag of truce, and asked to bury their dead.

While thus employed, at about one o'clock, the powder magazine blew up, wounding many people and destroying much valuable property.

It was then deemed necessary to evacuate the place, and, by the energetic exertions of the Hazard's officers and crew, of Captain M'Keever, with the unarmed boats of the United States frigate St. Louis, the Bishop of New Zealand and Archdeacon Henry Williams, the women and children, the wounded, the settlers, and lastly, the detachment of Her Majesty's 96th regiment, were embarked on board the Hazard, the St. Louis and an English whaler (the Matilda), which had just arrived.

The natives did not then rush down upon the town, as might have been expected, but cautiously approached, in small numbers, as if expecting an ambushade.

Plundering occupied only a part of the native force, the rest remained on the heights.

No vindictiveness was shown; many of the settlers ventured back among the houses, and recovered property, even from the natives, whose conduct has elicited praise from their opponents.

The loss of life in this disastrous calamity has been greater than was at first supposed.

Thirteen British and 34 natives were killed. There are 23 British wounded and about 100 natives.

Enclosed are returns of the losses and casualties which we have suffered, with copies of military and other correspondence.

Nos. 1, 2 and 3,
to Governor FitzRoy,
9, 11 & 17 March 1845.
Nos. 4, 5 & 6,
to Governor FitzRoy,
11, 15 & 17 Mar. 1845.

No. 7.
Governor FitzRoy to
Captain M'Keever,
17 March 1845.

No. 8.
Lieutenant Phillpotts to
Captain M'Keever,
17 March 1845.

No. 9.
Lieutenant Phillpotts to
senior Naval Officer,
Sydney, 17 March 1845.

No. 10.
Lieut.-colonel Hulme to
Governor FitzRoy,
19 March 1845.
enclosing Reports.

No. 11.
Lieutenant Phillpotts to
Mr. Beckham,
20 March 1845.

Sub-Enclosures in No. 22.

(No. 1.)

Russell, 9 March 1845.

Sir,

I HAVE the honour to inform your Excellency, that on Friday morning about ten o'clock, a report reached me that a large body of natives had landed at Mr. Turner's (Uriti), and were about setting fire to the buildings.

I immediately proceeded to the spot to ascertain if such was the case. On arriving near the place, I found that they had set fire to a house about two miles beyond Turner's, and that Heke, with his party, had encamped in a bay on the opposite side.

Soon after I returned, I received information that a large number of armed natives were entering the town at Matavia Bay. I went with the interpreter to meet them, and found them in the act of stealing several horses out of Mr. Brind's paddock, adjoining the town.

I remonstrated with them, and desired them to desist and return to their homes, but my advice was unavailing. I therefore sent for a party of small-armed men from Her Majesty's sloop "Hazard," who soon arrived, commanded by Captain Robertson; and as they still persisted in taking the horses, a collision took place, and a smart fire was kept up on both sides for several minutes, when the natives (about 300) retreated, having three wounded, one severely. I am happy to say that no European was hurt.

About 10 o'clock yesterday, another attempt was made by a large party of armed natives to enter the town by Matavia Bay, which I kept in check by the constables and boatmen, until a reinforcement from the "Hazard" came up.

On my arrival near Matavia a heavy fire of musketry was opened upon us, which was not returned, as the assailants were out of the reach of my party, who were armed with short guns. No casualties occurred.

Kaweti's party has been joined by Heke's tribe for some days past, and is now augmented by Mauperaha, and the greatest portion of Pomare's followers; and the whole force amounts to between 600 and 700 men.

The town is now completely besieged, being surrounded by armed parties of natives.

After the attack on Saturday last, I saw Archdeacons Williams and Brown, who induced me, contrary to my own judgment, to see Heke, as they thought much good might result from it; but I am sorry to say, the interview was any thing but satisfactory.

I have, &c.

(signed) *Thomas Beckham,*
Police Magistrate.

His Excellency the Governor, Auckland.

(No. 2.)

On board Her Majesty's S. "Hazard," 5 P. M.
Russell, 11 March 1845.

Sir,

I HAVE the honour to inform your Excellency, that about four o'clock this morning, the town was attacked on all sides by a party of about 2,000 armed natives.

The small-arm men and marines of Her Majesty's ship "Hazard," under the command of Captain Robertson, who, I am sorry to say, is dangerously wounded, endeavoured to drive them back; but in consequence of the blockhouse being surprised and taken, his party were obliged to retire into the stockade in the town.

Soon afterwards a simultaneous attack was made, and a heavy fire was maintained on both sides for three hours, when the assailants were repulsed, and retired to the hills, where they remained.

At one o'clock the magazine in the stockade unfortunately exploded, and several persons were severely hurt and contused. The greatest portion of our ammunition being exhausted by this fearful circumstance, it was deemed advisable to embark the inhabitants and troops, and evacuate the town, which was then immediately entered by the natives, who are now busily engaged plundering.

I am sorry to say, that the casualties on the part of the Europeans have been very great.

The greatest praise is due to the officers and crew of H. M. S. "Hazard," for their conduct on this occasion.

I have, &c.

(signed) *Thomas Beckham,*
Police Magistrate.

His Excellency the Governor, Auckland.

(No. 3.)

Auckland, 17 March 1845.

Sir,

IN my last communication I was unable, from fatigue and anxiety, to give your Excellency a detail of the unfortunate circumstances which took place at Russell on the 11th instant.

At four A. M. the small-arm men and marines of Her Majesty's ship "Hazard," under the command of Acting-commander Robertson, proceeded to the heights of Matavia Bay, for the purpose of throwing up a breast-work on the face of the hill. Soon after their arrival the sentry at the battery on the hill, on the opposite of the ravine, challenged, and in consequence of a large party of armed natives advancing on his post, he fired.

Captain

Captain Robertson, with his party, then returned towards the town, and was met by about 200 of the enemy, whom he charged in the most gallant manner, and cut his way through. A general engagement now ensued, which continued for about an hour, when the natives were driven back, but not before the commander fell dangerously wounded, and several seamen and marines killed and disabled.

At this period the blockhouse, under the command of Ensign Campbell, was surprised and taken.

Lieutenant Barclay was now directed to advance with his force and assist the sailors in dislodging a large party of Maories, who kept up a galling fire from behind the church; on arriving near which the soldiers opened a heavy fire, which continued for a few minutes, when a report was spread that the assailants were taking them in the rear. They then retreated by the beach to the stockade, followed by the small-arm men and marines, by which the enemy obtained possession of that part of the town, the one-gun battery having previously fallen into their hands, but not before it had been spiked by William Lovell, seaman of the "Hazard," who was killed in accomplishing that object.

The command was now assumed by Lieutenant Phillpotts of the "Hazard," who directed the barracks and upper blockhouse to be shelled, and a tremendous fire was kept up from Fort Phillpotts and the stockade until about ten o'clock, when the natives retreated and the firing ceased.

About 11 o'clock skirmishing again commenced, and a party of civilians were sent out to drive off the enemy, who were annoying the defendants at the fort from behind the hill near the barracks. This being effected the firing again ceased, and the women and children were embarked and the dead collected.

About 12 o'clock the natives hoisted a flag of truce, and Mrs. Tapper and child, who had been taken in the blockhouse early in the morning, were sent to the stockade without being injured; the wounded had also at great risk been removed, by the exertions of the Bishop, on board Her Majesty's ship "Hazard."

At one o'clock the magazine in Mr. Polack's house, situated in the stockade, unfortunately exploded, destroying the building, and wounding several of the inhabitants.

The ammunition being now nearly expended, and the stockade no longer tenable, it was deemed advisable to embark under cover of the guns of the fort, but by some mistake they were spiked, and the whole of their party retreated before the embarkation could be effected. Soon after the town was evacuated, and the natives commenced plundering in every direction, and one or two houses were burnt down.

On Wednesday morning the town was fired, and the greater portion being destroyed, it was deemed expedient to proceed to Auckland forthwith with the troops and the inhabitants.

The greatest praise is due to the officers and crew of Her Majesty's ship "Hazard" for their bravery and determination in defending the south end of the town against overwhelming numbers. The land forces were also most ably supported by the ship and pinnace, the firing from which was very effective.

I must also mention in terms of the highest praise the conduct of Lieutenant Phillpotts, on whom the command devolved during the greatest part of the day, and from whom I received the most cordial support.

To captain M'Keever, of the United States ship "St. Louis," our utmost gratitude is due, for the humane attention rendered by him in conveying the women and children on board the ships, and afterwards bringing a large portion of them here.

I have, &c.

(signed) *Thomas Beckham,*
Police Magistrate.

His Excellency the Governor, Auckland.

(No. 4.)

Her Majesty's Sloop "Hazard," Bay of Islands,
11 March 1845.

Sir,

I HAVE the honour to inform you that the forces here have had a severe encounter with the natives this day, in which Acting-commander David Robertson was wounded in several places, I fear mortally; and Acting-lieutenant Edward Morgan was slightly wounded.

Our party consisted of about 150 individuals. The whole of the naval and marine force belonging to the ship, behaved in a manner that elicits my warmest approbation. The place would have been maintained had not the blockhouse, the key to our position, been surprised and taken in the morning.

About one o'clock the magazine in the stockade was blown up, wounding several persons, and the ammunition being completely expended, I deemed it advisable to order the inhabitants and troops to embark.

Many of the land forces have been severely wounded, and some killed, the particulars of which I have not as yet been able to ascertain.

This despatch has been written in extreme haste, owing to my anxiety to see the women and children shipped on board the different small vessels that I have been able to obtain.

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PAPERS RELATIVE TO NEW ZEALAND.

The whole of my attention is at present directed towards preventing the ship from being surprised this evening, which it is the intention of the natives to attempt.

I have, &c.

(signed) *George Phillpotts*,
Lieutenant in command

His Excellency the Governor.

during the illness of the Acting-Commander.

LIST of Casualties of Her Majesty's ship "Hazard."

KILLED :

Serjeant of Royal Marines	-	-	-	-	-	-	-	-	1
Private	-	-	-	-	-	-	-	-	1
Seamen	-	-	-	-	-	-	-	-	4
TOTAL Killed									<u>6</u>

WOUNDED :

Acting-Commander Robertson, dangerously	-	-	-	-	-	-	1
Acting-Lieutenant Morgan, slightly	-	-	-	-	-	-	1
Privates, Royal Marines, dangerously	-	-	-	-	-	-	2
Privates, Royal Marines, slightly	-	-	-	-	-	-	1
Seamen, severely	-	-	-	-	-	-	3
TOTAL Wounded							8

(signed) *Jno. T. Veitch*,

Acting-Surgeon of Her Majesty's sloop "Hazard."

(No. 5.)

Her Majesty's Sloop "Hazard," off Auckland,
15 March 1845.

Sir,

In my hurried letter of the 11th instant, I was prevented from excessive anxiety for the safety of the inhabitants, to mention particulars to your Excellency, which I now deem it my duty to lay before you.

About four o'clock, the small-arm men and marines, under command of Acting-commander Robertson, proceeded to the Matavia heights, for the purpose of throwing up a breast-work on the face of the hill.

Soon after their arrival they heard the sentry challenge at the one-gun battery, and in consequence of a large party of armed natives advancing on his post, he fired.

Commander Robertson and his party immediately charged and drove them back, when a hot fire was kept up by both parties; during the encounter Captain Robertson fell, dangerously wounded, and several marines and seamen killed. It is but justice on my part to offer my humble testimony to the conduct of my gallant, but unfortunate Acting-commander, who is so dangerously wounded.

Nothing could exceed the undaunted way in which he led his party on; in fact so much so, as to elicit the warmest approbation, even from his foes. The officers and company under him participated in the enthusiasm of their leader. The command of the party then devolved upon Acting-lieutenant Morgan, the next in command, who completed the repulse of the natives at the Matavia Pass and that part of the town, till they retreated to the heights, and he was informed that the ship was going to fire upon them.

Upon hearing Captain Robertson was dangerously wounded, and obliged to be taken on board, I took the command; soon after which, I perceived the blockhouse and flag-staff to be in possession of the natives. After this it is impossible to give a correct account of what took place, as the firing became general, and my duties required me in many places, and the reports were various and contradictory; but the conclusion I have come to is, that had possession of the blockhouse at the flag-staff, in charge of Ensign Campbell, been retained, I should not now be suffering from the feelings naturally occurring to a man who has been subdued.

There is no doubt but that a vast number of natives, amounting to at least 1,200 men, as well armed as ourselves, if not better (many of them having long American rifles), were against us. The town was attacked in three places by parties consisting of, I should think, not less than 200 men each; their mode of warfare entirely strange to us; we found it impossible to get them to meet us in the open field, as they remained under cover of the bush, and would not be driven from it; the whole range of hills which surround the town being at the same time lined with armed men lying in ambush.

The most melancholy event of the day was the blowing up of the stockade, in which was all the ammunition for the shore party.

Many

Many casualties occurred through this calamity; whether occasioned by accident or treachery I have not been able to ascertain, as report gives both ways; but I have reason to believe the former.

The women and children, as if by interposition of Providence, had been removed about half an hour previous. Two cases have proved fatal; still, after the accident, it was the firm determination of Mr. Beckham and myself, backed by Mr. Hector and a party of volunteers, to have retained the second blockhouse, at least till the evening, but, unfortunately orders were given to spike the guns, by whom, I know not.

I have some other remarks to make on this subject, which at present I do not feel myself authorized to lay before you.

I must here state the high admiration I entertain of the unflinching bravery shown by Mr. Hector and some of his party, for the way in which they stuck to the second blockhouse and fort during the whole day.

The firing from the ship under Lieutenant Clarke and Mr. Parker was most admirable, and did great execution. Lieutenant Clarke in the early part of this, as well as of the foregoing days, was engaged in harassing the natives with a 12-pounder gun, but being decoyed some distance by stray shots, a heavy volley was opened upon him, from which he was obliged to retreat, without any casualty occurring.

The loss of the natives cannot be ascertained, though it must have been very great.

The officers employed under Acting-commander D. Robertson, viz., Acting-lieutenant Morgan, Mr. Mowbray (mate), Messrs. Spain, Parrott and Huthwaite, with the men under their orders, all conducted themselves as if they knew what kind of a leader they were following. Acting-lieutenant Morgan was wounded, though I am happy to say, slightly, when the barricade blew up. To Mr. Beckham, the police magistrate, I feel most deeply indebted for his services, assistance and advice; and I am certain that nothing could exceed his bravery, zeal and cool judgment.

The town is burnt nearly level with the ground, and the town's-people, in number about 500, are either on board the United States ship "St. Louis," the "Matilda" or the "Dolphin." A few families are on board this ship, though not many, as our lower deck is occupied by the wounded.

It is but justice to mention an instance of noble conduct on the part of the natives, in their sending, under the protection of a white flag, from the first blockhouse, the wife and child of John Tapper, signal-man at the flagstaff, who was wounded whilst bravely working one of the guns; also, when they had in great numbers surprised Mr. Parrott, midshipman, and myself who were, on the 9th instant, at the request of Mr. Beckham, reconnoitring on the Uritie heights, about two miles from the town, and after detaining us for about ten minutes, liberated us when they found we had no followers.

The duties of Dr. J. T. Veitch, acting-surgeon, were most arduous, as the sick, on board, and on shore, constantly required his attention. Mr. Harries, Mr. Kelly, and the warrant officers were everywhere where their services could be required, in shelling the town, &c., and rendered the most efficient aid. Many of the civilians, who had been formed into civic guard, under my orders, conducted themselves with the true spirit which is always expected from an Englishman.

The ship was constantly employed in shelling the town when deemed requisite.

That it was a defeat I must acknowledge, as I consider losing the flag-staff in the same light as losing a ship.

There will, no doubt, appear in your Excellency's mind, that a want of discipline existed in the stockade; but when you consider that 110 men were enrolled who were entirely ignorant of military discipline till within the last week (though only 68 remained after the loss of the blockhouse,) that their wives and families were within a few yards of them, and of course constantly requiring their attention, causing confusion, and interrupting the discipline which otherwise would have been maintained; I trust you will make every allowance. Captain M'Keever, of the United States Ship "St. Louis," rendered the greatest assistance in carrying off to the ship the sick and wounded. We are also much indebted to the medical department of that ship for the great attention they showed to the sick.

I cannot conclude this letter without returning the thanks of every person on board to the Bishop of New Zealand; in the first instance, in bringing off the women and wounded when exposed to a heavy fire, and also in tending during the whole night to their spiritual and bodily wants, performing the most menial offices, and doing every thing in his power to alleviate their sufferings.

I have, &c.

(signed) *George Phillpotts,*
Senior Lieut. in Command.

His Excellency Governor FitzRoy,
&c. &c. &c.

(No. 6.)

Her Majesty's Sloop "Hazard,"
Auckland, 17 March 1845.

Sir,

I wish to carry your Excellency's attention on from the night of the 11th to the time of our leaving the Bay, and our reasons for doing so. During the whole of the 12th instant we continued firing and shelling the town whenever the natives made their appearance,

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though I allowed the inhabitants more than four hours to save what property they could. On the evening of that day I received a letter, a copy of which I forward to you from Dr. J. T. Veitch, surgeon of the ship, stating the necessity of removing those who were wounded without delay, as the crowded state of the decks might engender sickness, and having such a small quantity of water, the flag-staff down, and town sacked and burnt, what use would there have been in remaining? We had nothing left to protect, and therefore I deemed it advisable to sail with all despatch.

Reports were also very prevalent that the natives were marching towards Auckland, which formed another very powerful reason for my quitting.

His Excellency Capt. FitzRoy, R. N.
Governor.

(signed) *George Phillipotts.*

A RETURN of PASSENGERS, consisting of Soldiers of the 96th Regiment, Civilians, &c.
and their Families.

Soldiers of Her Majesty's 96th Regiment Embarked on board, 11th March 1845, at
Kororarika, Bay of Islands:

Officers - - - - -	2
Corporals, sergeants, privates, &c. - - - - -	36
40 Civilians, one died on board - - - - -	39
<hr/>	
TOTAL on board - - - - -	77

Civilians, consisting of 9 women, 15 children, and 15 men, 39 in number.

Her Majesty's Sloop "Hazard," Bay of Islands,
11 March 1845.

Sir,

I HAVE the honour to recommend (that owing to the crowded state of the ship and the want of proper accommodation for so large a number of sick and wounded as are at present on board), that you will be pleased to take the earliest opportunity of removing them to some hospital on shore, or to some place where superior conveniences can be afforded for re-establishing their healths, as I am of opinion that their prolonged stay in the confined atmosphere of the lower deck will prove not only hurtful to the invalids, but also injurious to the health of the ship's company.

(signed) *J. T. Veitch,*
Acting Surgeon, Her Majesty's Sloop "Hazard."

Lieutenant G. Phillipotts, Commanding Officer
during the illness of Acting-Commander Robertson.

(No. 7.)

Government House, Auckland, New Zealand,
17 March 1845.

Sir,

I HAVE much satisfaction in expressing the grateful thanks of the settlers in this colony, and of the Local Government, for the humane, efficient and ample assistance so promptly given by the United States frigate "St. Louis," under your command, and by yourself, personally, to the women and children at Russell (or Kororareka) in the Bay of Islands, who were embarked by your unarmed boats on the 11th of this month.

These and other distressed settlers to the number of about 150 found shelter and the kindest treatment on board your ship, and were immediately brought, at much inconvenience, to Auckland.

I understand that it is your intention to return immediately to the Bay of Islands, and it is very satisfactory to me to reflect that while your ship is there, the missionaries and their families who have remained at their stations, will have friends, and, if need be, a refuge within their reach, until adequate protection can be given.

I have, &c.

Captain M'Keever,
United States Frigate "St. Louis," at Auckland.

(signed) *Robert FitzRoy,*
Governor.

(No. 8.)

Her Majesty's Sloop "Hazard," Auckland,
17 March 1845.

Sir,

I CANNOT allow the "St. Louis" to quit this harbour without returning you the most sincere thanks of the officers and ship's company of the "Hazard," for the assistance you rendered us in taking off the sick and wounded from the beach at Russell to this ship on the

the 11th instant, whilst exposed to a heavy fire from the Maories, and also for the general attention you have shown. I must further offer you my personal thanks, for having relieved me of the responsibility of bringing here 150 inhabitants of Kororareka.

Before concluding this letter, I feel bound to allude to a statement which has gone abroad of your having declined rendering me assistance when requested to do so.

At the time I applied to you for aid, I was under the impression that you had promised to land 150 men should we be hard pressed; my impression was formed merely from what I had casually heard in the stockade and on the beach. Had I had time to weigh the matter maturely, I should have perceived the impossibility of your acceding to my solicitation, as it was clearly contrary to the principles of international law.

I have, &c.

(signed) *George Phillpotts*,
Senior Lieutenant of Her Majesty's Sloop "Hazard,"
(Acting Commander dangerously wounded.)

Captain M'Keever,
United States Ship "St. Louis."

(No. 9.)

My Lord,

Her Majesty's Ship "Hazard,"
Auckland, 20 March 1845.

NOTHING but the number of official reports that I have been compelled to write, has delayed me in addressing your Lordship, to express my personal feelings of gratitude, and the thanks of the officers and ships' company of the "Hazard" for your kindness and attention, not only to the sick and wounded, but also generally to all the unfortunate sufferers in the late melancholy encounter at the Bay of Islands. Although I feel it would be impertinent in me to thank you for the christian feeling which you evinced on that as well as you do upon all other occasions, I cannot help assuring your Lordship, that there is not a single man on board the "Hazard" who does not appreciate your conduct; both officers and men are unanimous in the expression of their feelings towards you. Go where you will, you will carry with you the good wishes of all who saw you under the late trying circumstances.

I have, &c.

(signed) *George Phillpotts*,
Senior Lieutenant.

To the Right Reverend the Lord Bishop
of New Zealand.

(No. 10.)

Sir,

Auckland, 19 March 1845.

I HAVE the honour of transmitting to your Excellency copies of the reports which I have received from Lieutenant Barclay and Ensign Campbell of the detachment under my command.

I have, &c.

(signed) *W. Hulme*,
Lieut.-Col. commanding the Troops.

His Excellency Governor FitzRoy,
&c. &c. &c.

Dated H.M.S. "Hazard"
15 March 1845.
Dated Auckland,
16 March 1845.

Sir,

Her Majesty's Sloop "Hazard,"
15 March 1845.

I HAVE the honour to report, that between the hours of four and five o'clock on the morning of the 11th instant, Captain Robertson of Her Majesty's sloop "Hazard" with about 45 seamen and marines, proceeded from their quarters on shore, for the night, at Kororareka, Bay of Islands, to a hill on the right of the road leading to Matavia Bay, commanding the town, for the purpose of throwing up an entrenchment; the morning was thick and hazy.

On their departure I proceeded to the barracks, to turn out the detachment by way of precaution, not having at the same time any reason to suspect a movement on the part of the natives, towards the town. Captain Robertson and his party had arrived on the hill, when they were suddenly attacked by about 200 natives. The detachment having slept armed and accoutred, arms loaded, formed immediately in front of the barracks, when Mr. Mowbray and Mr. Spain, R. N., came to me and begged of me not to fire on the party in front, which I was about to do, as they had been cut off from their party, and they knew not which, the seamen or the natives, were nearest to us. I then immediately commenced firing in extended order, on parties of natives who made their appearance scattered

on the hill to the left of the barracks, towards Oneroa Beach, and checked their advance on the barracks; we were also fired upon from the rising ground behind the barracks. On looking round, I was first aware that the natives had possession of the blockhouse, on Flagstaff Hill.

At this time I received a message from Lieutenant Morgan, R.N., informing me that a party of natives were at the church at the back of the town. I advanced in extended order to dislodge them, firing in our way upon natives who appeared amongst the houses in our front; I then learnt, I forget from whom, that the seamen had nearly expended their ammunition, and turned back towards the beach to join them; when they appeared at some distance on the beach, as on their way to the stockade (Mr. Polack's house), advancing towards us; having effectually driven back the natives who I observed retiring down the road to Matavia Bay, I then moved on to the lower blockhouse, which commands the stockade, which the seamen took possession of, and in which were the townspeople, and women and children. I found Ensign Campbell and his party in the blockhouse, checking the advance of the body of natives who were in possession of Flagstaff Hill, and the gullies between the lower and upper blockhouses; I did not enter the blockhouse then, or afterwards; I remained outside on a platform in front, where seamen from the "Hazard" were working two ship guns, assisted by — Hector, esq. and two of the townspeople (old soldiers, I believe); my party commenced firing; there was room for no more on the platform; they fired from the sloping ground on each side of the blockhouse, towards the rear of the building, also on the natives on the adjoining hill, behind Mr. Beckham's house; the hill is deeply covered with brushwood; a very sharp fire was kept up by the natives, and was well and effectually returned by us; this continued all the morning; two or three of the seamen joined us; a party of my detachment also assisted Mr. Campbell in the blockhouse, as many as had room; the remainder were in the stockade with the seamen and townspeople, commanded by Lieutenant Phillpotts, R. N.

After a considerable time, I went down to the stockade to get some ammunition for the ship guns, and left Ensign Campbell in charge; the natives soon after ceased firing, nor was it afterwards renewed; it had lasted for some hours.

Immediately after the first attack on Captain Robertson's party in the morning, the natives on that side of the town retired in a body from the town towards Matavia Bay, carrying off their dead and wounded.

The body of natives who had surprised and taken the blockhouse on Flagstaff Hill were the assailants of the lower blockhouse, held by the military; the stockade (Mr. Polack's house) was at no time attacked or threatened, the lower blockhouse commanded it, and prevented such an attempt; a party of seven or eight of the town's people from the stockade skirmished with the natives on the hill to the left of the blockhouse; with the exception of this, the force in the stockade was not engaged during the day, since the attack in which Captain Robertson was wounded at daybreak.

Immediately on my arrival at the stockade to obtain ammunition, I suggested to Captain Robertson the urgent necessity of sending the women and children on board the ships in the harbour, seeing Mr. Polack's house and cellars were crowded with them; shortly after they got on board; the magazine, which was in the same house, blew up; the building was completely destroyed; none of the soldiers or seamen were injured; Lieutenant Morgan, R. N., received a slight wound in the face from a splinter.

Whether the explosion occurred by accident, or was the work of an incendiary, remains unknown.

A council was held on board Her Majesty's Ship "Hazard," when it was agreed to evacuate the town, which was done; the town's people embarking first; the party of military in the blockhouse were the last to embark; during the embarkation, the natives surrounded the heights commanding the town, but without making any movement; occasionally a random shot was fired; during the evening a few of the town's people, who were, I believe, most popular with the natives, were employed in bringing off portions of their property.

In the afternoon of the following day the natives burnt the town, with the exception of the churches and the houses of the missionaries; information was received that they intended attacking Her Majesty's ship "Hazard" during the night; every preparation was accordingly made by Lieutenant Phillpott's commanding; the attack was not made; next day the "Hazard" sailed for Auckland in company with the United States corvette "St. Louis," the whale ship "Matilda," and the "Dolphin" schooner, having on board the inhabitants of the town.

Killed, of the 96th Regiment, at the blockhouse, Flagstaff Hill:—Four privates, viz., Miller, Giddens, Jackson and Ireson.

Wounded:—Private Duross, at the lower blockhouse, dangerously; private Welton, in the town, severely; private Gutteridge, severely; private Scott, severely; private Marris, severely.

The conduct of the soldiers of the regiment throughout the affair was in every respect praiseworthy, and honourable to themselves and the regiment.

It is with feelings of deep regret I have to report that the gallant commander of Her Majesty's ship "Hazard," fell in the first attack, severely wounded.

The serjeant of marines and a private were killed, and four seamen.

Mr. Tapper, the signal man, was severely wounded, fighting bravely.

I would

I would here notice the very gallant conduct of — Hector, esq., and the two old soldiers before mentioned, in assisting in working the guns in front of the lower blockhouse, yet but little execution was done by them, in consequence of the natives being so scattered and lying concealed in the brushwood. Mr. Hector's two boys also behaved most gallantly in bringing up ammunition from the stockade during the heaviest fire.

I have the honour to enclose a statement of the duties of the detachment on the 10th instant; also Ensign Campbell's statement of the loss of the blockhouse on Flagstaff Hill.

I have, &c.

(signed) *E. Barclay,*

Lieutenant 96th Regiment, Commanding Detachment.

Lieut.-colonel Hulme,
Commanding the Troops, New Zealand.

(A true copy.)

(signed) *W. Hulme,*

Lieut.-Colonel commanding the Troops.

I am of opinion, that had the lower blockhouse occupied by the military not been erected, the stockade in which the women and children had sought protection must have been evacuated, as it was perfectly commanded by the hill on which the blockhouse stood; the houses to the left would also have afforded protection to the natives in attacking it; great credit is due to J. Watson, esq., J. P., who first suggested the erection of the lower blockhouse, and superintended the execution of it.

The body of natives who occupied the chain of hills on which the flagstaff and upper blockhouse stood, might have made a general rush, had they been so inclined, on the stockade, but were prevented from so doing by our having possession of the blockhouse.

(signed) *E. Barclay,*

Lieutenant 96th Regiment.

(True copy.)

(signed) *W. Hulme,* Lieutenant-colonel,
Commanding the Troops.

Sir,

Auckland, New Zealand, 16 March 1845.

I HAVE the honour to state for your information, that on the morning of the 11th instant, at Kororareka, Bay of Islands, I proceeded about 4 o'clock in the morning with a party of five men, from the blockhouse where I was stationed, armed, and carrying spades, to dig a trench on the heights over Oneroa beach.

We had just commenced digging when we heard firing at Matavia Bay; we immediately returned, and I remained with eight or nine men on the hill overlooking the town, about 200 yards distance from the blockhouse at the flagstaff; the remainder of them had got their arms, and were putting on their belts on the outside of the ditch facing the town, when suddenly I heard an alarm, and some one called out that the natives were in the palisades, and that there was no one in the blockhouse. (I would here remark, that the doorway is enclosed by palisades.)

I immediately turned round, and saw a number of natives rushing into the palisades and ditches, and opening fire on us; I then immediately opened on them, and before a second round could be fired, another party of natives advanced by the Tapeka road, with the intention of cutting us off from the lower blockhouse; I was then obliged, seeing a large body of natives in front and another close on my rear, to retire to the lower blockhouse, which I immediately occupied, and checked the further advance of the natives.

Four of my men were killed in the upper blockhouse, and one was wounded in retiring.

I remained at the lower blockhouse, till Mr. Polack's house was blown up, and the general retreat to the shipping took place.

I have, &c.

(signed) *J. Campbell,*

Lieutenant 96th Regiment.

The Officer commanding the Troops
in New Zealand.

(A true copy.)

(signed) *W. Hulme.*

(No. 11.)

Her Majesty's Sloop "Hazard," Auckland, New Zealand.

Sir,

20 March 1845.

I beg to return you my sincere thanks for the assistance you rendered during the whole of the late melancholy occurrences at the Bay of Islands; and also, to bear my testimony to the coolness and courage displayed by you during the whole of the time we were employed in the defence of Kororareka.

I have, in my despatch to his Excellency on this subject, as in all my other despatches, stated the high opinion that I entertain of the assistance you gave me by advice, as well as personal exertion; but still I consider it my duty to express to you personally my feelings of gratitude for the zeal and activity displayed by you; and I can assure you that the officers and men of the "Hazard" are unanimous in expressing their admiration of your undaunted conduct under the trying circumstances in which you, as police magistrate, were naturally placed.

I have, &c.

(signed) George Phillpotts,

Senior Lieutenant in command.

(Acting Commander, dangerously wounded.)

James Beckham, Esq.,
Police Magistrate, Auckland.

—No. 3.—

COPY of a LETTER from the Right honourable H. T. L. Corry to
G. W. Hope, Esq.

Sir,

Admiralty, 14 July 1845.

No. 3.
Right hon. H. T. L.
Corry to G. W.
Hope, Esq.
14 July 1845.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Lord Stanley, a Letter and its Enclosures (in original) from Captain Sir E. Home, of Her Majesty's ship "North Star," addressed to Rear-Admiral Sir T. Cochrane, dated the 25th of March last, giving an account of the attack made upon the town of Kororareka, New Zealand, by the natives, on the 11th of March last, and I am to request that these papers may be returned to this office as soon as read.

I am, &c.

(signed) H. Corry.

(Extract.)

Her Majesty's Ship "North Star," at Auckland, New Zealand, 25 March 1845.

(No. 10.)

Sir,

ON the 4th instant, I had the honour to address your Excellency from Sydney, New South Wales, enclosing copies of communications I had received from the Colonial Secretary, and informing you that it was my intention to proceed to Auckland, in New Zealand, with troops for the protection of that colony, in consequence of the information contained in them.

I have now the honour to inform your Excellency, that I left Sydney on the 11th instant, and arrived at this anchorage at midnight of the 22d, with 1 captain, 1 lieutenant, 2 ensigns, 6 sergeants, 2 drummers, and 150 rank and file of the 58th Regiment.

On the 24th, the "Velocity," schooner, arrived, bringing the heavy baggage, ordnance stores, and one captain, one lieutenant, one medical officer, two sergeants, and 50 rank and file belonging to the same regiment,

It is with deep regret that I am obliged to transmit, for your Excellency's information, copies of the letters and enclosures which I have received from the Acting-commander of the "Hazard," and Lieutenant Phillpotts, the senior lieutenant of that sloop; she left the Bay of Islands on the 13th, and arrived at Auckland at midnight on the 15th.

From these papers your Excellency will learn the particulars of the disastrous circumstances attending the attack made upon Kororareka on the 11th instant, the day upon which the "North Star" left Sydney. A return of the persons killed and wounded upon that day, civil and military, is enclosed, as well as a statement of the natures of the wounds received by Acting-commander Robertson, a seaman and two marines.

* * * * *

The ill success of that day is to be attributed to a want of knowledge of the peculiar mode of warfare adopted by these brave and sagacious savages, and not keeping the few troops stationed at the blockhouse on the hill, within its door, when the alarm of the approach of the natives was given; a coolness of judgment, and restraint of impulse, hardly to be expected

expected from an officer of scarcely two years standing in the service. He with his men had advanced upon the first alarm on one party, and his post was taken possession of by another, whose business it was to possess themselves of it. It was in no way owing to want of courageous conduct, as the lists of killed and wounded may partly show. Of the conduct of Commander Robertson, I am quite unable to speak: your Excellency and their Lordships will appreciate it. His present position has caused me the deepest distress. All who were there are most loud in the praise of the conduct of the officers, seamen and marines of the "Hazard."

The steady conduct and sound judgment displayed by Captain M'Keever, of the United States frigate "St. Louis," has given confidence to all the well-disposed parties of both nations, and has been of the greatest service. He still remains there, as well as the Church Establishment at Pahia. It is remarkable that the Protestant Church at Kororareka has been burnt down, whilst the Roman Catholic establishments remain untouched.

His Excellency the Governor has applied to the Governors of New South Wales and Van Diemen's Land for further aid. Until he receives it, his intention is, I believe, to remain entirely upon the defensive, and not to undertake the punishment of the offending tribes at the Bay of Islands, until his power is sufficiently strong to do it with effect. Attacks have been threatened on Auckland, and there is nothing to prevent their being put into execution, if the natives were to think fit to make it a common cause. It is, however, more probable that they will divide, and Governor FitzRoy has had offers of assistance from several tribes in the north of New Zealand, of about 3,000 men, which he declines accepting unless driven to extremity, lest they should become his masters.

From the above circumstances, I believe that I should not do right, or as your Excellency would, I am convinced, have desired me to do, if acquainted with these facts were I to leave New Zealand according to my present orders, until the colony is placed in less precarious circumstances, and it is accordingly my intention to remain upon this coast until I feel that I shall be justified in leaving it. The "Hazard" is not efficient, having been obliged on the 6th of February last, in a gale of wind off the East Cape, to throw overboard seven of her carronades, and is short of complement six marines; seamen are to be obtained on shore, the guns also can be replaced by those of the "Pelorus," now remaining at Port Essington.

A force is to be sent forthwith to strengthen the posts at and in the neighbourhood of Cook's Strait.

The present time is thought by the Governor to be the most critical hitherto experienced in this colony, and it is his opinion that, upon the events of the next few months, will depend its actual tenure by Great Britain.

The utmost efforts have been used by designing men, chiefly foreigners, to render the natives dissatisfied, and to persuade them that we shall ultimately take away their lands, and make those whom we do not kill, our slaves.

I have, &c.

His Excellency Rear Admiral
Sir T. Cochrane, Knt. C. B., Commander-in-Chief.

(signed) J. Everard Home, Captain.

Postscript.—The force at the blockhouse upon the hill, was one ensign, one serjeant, and 20 men.

The military force in Kororareka was one lieutenant, one serjeant, and 30 men.

The civilians under arms were 110.

NEW ZEALAND.

COPIES or EXTRACTS of CORRESPONDENCE
relative to the ATTACK on the British Settlement
at the Bay of Islands by the Natives of NEW
ZEALAND.

(*Mr. G. W. Hope.*)

*Ordered, by The House of Commons, to be Printed,
15 July 1845.*

517.—II.

Under 4 oz.

NEW ZEALAND.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 30 May 1845;—for,

“COPY of CORRESPONDENCE between Her Majesty’s SECRETARY of STATE
for the COLONIES and the NEW ZEALAND COMPANY, relative to the establish-
ment of a PROPRIETARY GOVERNMENT in the Islands of *New Zealand*.”

Colonial-office, Downing-street, }
5 June 1845.

(signed) G. W. HOPE.

(*Sir R. H. Inglis.*)

Ordered, by The House of Commons, to be Printed,
6 June 1845.

[*Price 1s.*]

SCHEDULE.

No. 1.—Copy of a Letter from Viscount Ingestre, M.P., to Lord Stanley, dated New Zealand House, 5 May 1845	p. 1
No. 2.—Copy of a Letter from Lord Stanley to Lord Ingestre, M.P., dated Downing-street, 23 May 1845	p. 8
No. 3.—Copy of a Letter from Viscount Ingestre, M.P., to Lord Stanley, dated New Zealand House, 26 May 1845	p. 8
No. 4.—Copy of a Letter from Lord Stanley to Viscount Ingestre, M.P., dated Downing-street, 29 May 1845	p. 9
No. 5.—Copy of a Letter from C. Buller, jun., Esq. M.P., to Lord Stanley, dated New Zealand House, 2 June 1845	p. 10
MAP of New Zealand, showing the extent of the proposed Proprietary Government	p. 10

CORRESPONDENCE between Her Majesty's **SECRETARY OF STATE** for the **COLONIES** and the **NEW ZEALAND COMPANY**, relative to the establishment of a **PROPRIETARY GOVERNMENT** in the Islands of *New Zealand*.

— No. 1. —

COPY of a **LETTER** from Viscount *Ingestre*, M. P., to Lord *Stanley*.

**NEW
ZEALAND.**

My Lord,

New Zealand House, 5 May 1845.

IN consequence of a communication made to the Directors of the New Zealand Company by Mr. Charles Buller, they have appointed a committee of their body, "with full authority to conduct and conclude any arrangement which they may deem most expedient."

No. 1.
Viscount *Ingestre*,
M. P., to Lord
Stanley, 5 May
1845.

On behalf of this committee I have the honour to inform your Lordship that Mr. Buller has laid before us copies of two letters, the last of which is dated the 26th April, addressed to your Lordship by him, and containing the outline of a plan for the settlement of the affairs of New Zealand.

On full consideration of the plan contained in these letters, we are prepared to adopt its principles, as calculated to secure a satisfactory solution of present difficulties, to save the colony from great disasters, and to ensure its immediate and steady progress. We think that, on the principles proposed, the operations of forming the new Company and conducting its affairs might be honourably and usefully undertaken; and we should cheerfully recommend to the New Zealand Company to accept the conditions imposed on them by the plan.

To bring such a measure, however, into practical shape would require considerable discussion of details, and probably no little co-operation with your Lordship, in determining the best mode of obviating such difficulties as may arise in the course of the discussion. To attempt to do this through the medium of written correspondence would be a very ineffectual and dilatory mode of proceeding; and I need hardly remind your Lordship that it is of the utmost importance to both the company and the settlers—that it is in truth essential to the success of any arrangements—that as little time as possible should be taken in coming to a decision in this matter. We have thought it best, therefore, to transmit the plan to your Lordship officially, pretty nearly in the same form as that in which it is given in Mr. Buller's second letter. And if it should be unobjectionable to your Lordship, we are inclined to leave the matter entirely in Mr. Buller's hands, in order that he may communicate with your Lordship on our part and that of the Company.

I have, &c.
(signed) *Ingestre*,
Chairman.

SUGGESTIONS for the consideration of Lord *Stanley*, submitted on behalf of the *New Zealand Company*.

THE state of affairs in the colony of New Zealand is such as to require the adoption of very strenuous efforts for the purpose of saving the colony and all those who have embarked their fortunes in its colonization. The petition of the merchants of London is an indication of the very general sense that the public entertain of the value of New Zealand. Events, too, have occurred within the last three or four years, that have enhanced that value. The opening of our trade with China, and the proceedings of France and the United States, have rendered it important to us to have such a station in the Pacific as New Zealand can alone supply. Public opinion would justify a bold course under the altered circumstances, and it will hold none guiltless who shall carry on a controversy about the past, instead of agreeing to prevent the ruin of such a colony.

NEW
ZEALAND.

It is vain to think of effecting that object by any half measures. All that has happened proves that there is some fundamental error in the system which has been pursued; and no remedy that does not go deep enough to cure that, is worth trying.

It seems to us that the two main evils in the system hitherto pursued towards New Zealand have been, first, the conflict between the missionary system and that of the New Zealand Company; and, secondly, the erroneous constitution of the Company.

It is impossible to reconcile the missionary system with that of the Company. In every respect they go on opposite principles. The avowed object of the missionaries has been to prevent colonization, to preserve the nationality of the New Zealanders, to keep them apart from European contact, and to maintain their exclusive property in the whole soil of the islands. Our system, on the contrary, was to treat the soil as unappropriated wherever it was not in some way occupied, to vindicate to the Crown the ownership of all the unoccupied expanse, to encourage the settlement of European colonists, and to turn to account the peculiar facilities which the aboriginal race of New Zealand seem to possess for intermixture and amalgamation with the European population. These two systems are essentially antagonist. You cannot attempt to act upon both without vacillation or inconsistency, or so as to give either a fair chance. Neither ever has had a fair trial; both deserve one; both might have it in New Zealand, did you confine each to its own appropriate field.

The conflict of these two systems has been aggravated in New Zealand by the vacillations in the policy of Government under different Ministers. The treaty of Waitangi went on what we have called the missionary principle. Lord John Russell adopted what may be called the colonizing principle, in his agreement and other proceedings with the Company.

The second great fault in the system is the erroneous constitution of the Company. The Company in its incorporation acquired either too great or too little power. The Crown devolved on it the function of colonizing New Zealand; that is, of filling it with inhabitants. Now this, in a new colony, is the main function of Government. Everything else hinges on it. You must make every other consideration of policy (with reference at least to white people) subordinate to it; and you ought to delegate all the powers of Government to those to whom you turn over the business of colonization. This our ancestors perceived, when they gave those proprietary charters in which every English colony of the present United States had its origin. From the first, the London and Plymouth Companies, Lord Baltimore, Lord Delaware, Penn, and the proprietors of Carolina and Georgia, had the whole power of the Crown delegated to them. It is but fair to add, that it is the fault of the New Zealand Company itself that this system was not adopted in its own case. Lord Glenelg offered it a proprietary charter in 1838, which it rejected.

It must be admitted, too, that the constitution of the New Zealand Company is not such as to fit it for proprietary privileges or the functions of government. For these purposes, it would have been necessary to constitute the Company on a much greater scale, with a far larger capital, far more numerous proprietary, and perhaps with some direct share given to the Government.

Let us see whether it is possible to suggest any plan which shall avoid these two capital defects in the present system.

It would not be wise to attempt any arrangement that would not substantially conciliate the interests and feelings of the principal parties concerned. Nor is it possible for the Crown to abandon its existing engagements, or take a course inconsistent with the leading principles of its past policy. The geographical circumstances of New Zealand present us with the means of satisfactorily reconciling the interests of the natives, the colonists, the missionaries, and the Company, and of putting matters on an entirely new and sound footing, without compromising the honour of the Government.

The chief scene of the missionary labours has been the northern peninsula of the Northern Island. A great proportion of the native population is there. Auckland is there, with the tribes with which the Colonial Government has come in contact. The chiefs whose independence we acknowledged are entirely included in that district; and there alone can the treaty of Waitangi have any legal force because there alone can it be asserted that the title of the Crown was founded on cession thereby.

On

On the other hand, this district, from the number of natives, the extensive appropriations made by the missionaries, and the comparative scarcity of available land, does not present a very attractive field for colonization. It contains, however, the positions most desirable for the purposes of a naval station commanding the Pacific. And it is not unimportant to remark, that it is the sole repository of that Kauri timber, which is so valuable to our navy.

This northern peninsula should be made a separate government. Whether it could be directly placed under the missionaries, we cannot pretend to determine. But at any rate the religious societies should be assured that it should be kept strictly under their system; that European colonization should not be encouraged in it; and that the missionaries should be allowed to retain their influence over the natives, whose interest should be the main care of the Government.

The remainder of the Northern Island, and the whole of the Middle and Southern, should be formed into another government, and be the field of European colonization. We should suggest the reverting to Lord Glenelg's proposal of 1838, and entrusting the government of this portion of the colony to a Company incorporated with a proprietary charter. This Company should be required to raise a subscribed capital of a million; and the present Company should be merged in it.

That the capital could be easily raised we have not the slightest doubt; nor that the first men, as well in the city as the country at large, would always take a great pride in becoming its directors.

The mother country would be freed from all expense and responsibility for the new colony. The large capital of the Company would be a security against such results as unfortunately occurred in South Australia.

Your Lordship will be better able to judge of the effects and practicability of these principles from the following heads of a charter of government to the new provinces, which we propose should be erected in New Zealand.

I.—*New Province of Victoria.*

1. A new province, under this designation, should be formed of the Middle and Southern Islands, together with that part of the Northern Island which would be included between the sea and a line drawn from Kidnappers' Head, in Hawke's Bay, on the east coast, running straight west till it meets the Rua Hine range, then along that range to the mountain of Rangitoto, and thence down the river of Mokau to the port of Mokau on the west coast. The coloured map already sent to your Lordship gives the territory so marked out. Your Lordship will see that it is pretty nearly conterminous with the Company's original claim.

We have calculated from Dr. Dieffenbach's book the number of natives that would be included in this territory; that appearing to be the work showing most research on this subject. Dr. Dieffenbach gives an estimate of the population and position of the various tribes, from which we may group them in the following manner:

North of Auckland	- - - - -	25,800
On the Waikato and its tributaries	- - - - -	24,000
Tribes of the east coast, from the mouth of the Thames		
to Hawke's Bay	- - - - -	57,800
On Cook's Strait and in the Middle and Southern Islands		7,290
Total	- - -	<u>114,890</u>

The new province would comprise only those included in the last head. Mr. Jerningham Wakefield gives a somewhat higher estimate of this head. He gives it at 8,000, without including those in the southern portion of the Middle Island and the Southern Island.

Allowing 1,000 for these, it would not bring the whole native population of the entire new province to more than 9,000. This is less than that of the white people within the same limits.

2. The new province must bear its proportion of the present debt of New Zealand.

II.—*Government of the New Province.*

1. All powers of government within this province should be conceded to a Company, to be called the Victoria Company; as by the charters of Pennsylvania and Maryland. This would include, of course, no power of making treaties.
2. The settlers, however, should of course be ensured the protection of representative institutions. For at least one year the Company might have the power of making laws and imposing taxes. After that they should, in the language of the old proprietary charters, have those powers with the consent of the freeholders of the province, or their representatives. During the first year the Company would have to determine the constitution of the representative body.
3. The laws of England should be in force until altered by such authority. The new laws must not be repugnant to the laws of England.
4. The Company should have power to make incorporations, and be required to incorporate into towns and counties all districts surveyed by it.

III.—*Stipulations on behalf of the Natives.*

Small as the number of natives within the new province would be, it is most desirable that precautions should be taken to prevent their being in any way ill-used. No government can effectually accomplish this; for unless you raise up the most constant feeling of kindness towards them in the European population, it is impossible to prevent their being degraded and annihilated by their new neighbours. The best security for this good-will, besides the natural good feelings of our countrymen, is to be found in their strong interest in getting the natives to become peaceable neighbours and fellow-labourers. But the following provisions would probably meet the views of those who would require more direct securities:

1. The Treaty of Waitangi should be declared to be in force throughout such parts of the new province as lie in the Northern Island.
2. To prevent, however, all fraud or delay in the settling the questions which arise under the second article of the treaty, we should suggest that the Company should forthwith pay over to Her Majesty's Government a sum of £. for the purchase of the territorial rights of the natives.
3. A Commissioner should be appointed to complete such purchase without delay; and at the end of three years these rights should be declared to be extinguished. The Commissioner should be a man of really high character and position, and should be paid a handsome salary. A man of sense, with a right will to effect the object, would have no difficulty in doing it within the time. And for that period the Company could carry on its settlements in the Middle Island, or on land which has been secured either by recent arrangements with Captain Fitzroy, or by awards which might forthwith be ratified.
4. No land occupied by the natives at the time of the treaty of Waitangi should be included in such purchase. In all surveys by the Company, the native occupations should be set out.
5. The natives should be allowed to sell such occupations only to the Company; and all lands not in such occupation, and not held under a grant from the Crown or the Company, should be regarded as vested in the Company until alienated by it.
6. In all surveys by the Company, one-eleventh to be set apart for native reserves.
7. A protector of natives might be appointed by Her Majesty, with power to act for them in civil or criminal proceedings, and to be heard in their behalf by the Legislature. He should report to the Secretary of State, transmitting his reports through such officer in New Zealand as the Company should direct, in order to give that officer an opportunity of seeing his statements.
8. The natives should have all the rights, privileges, and franchises of British subjects.
9. All the expenses of carrying out this arrangement should be borne by the Company.

IV.—*Constitution of the Company.*

1. A new Company should be formed, with the usual clauses regulating its internal government, naming the first directors, &c.
2. The capital should be raised to 1,000,000 £.; not that we think so large an amount

amount would ever be required, but that we wish to give Her Majesty's Government an effectual security against the Company's becoming bankrupt, and throwing its liabilities on the mother country. But only half this amount, including the 200,000 *l.* already paid up, should be required to be paid up by the date of the charter, as it is desirable not to have a dividend payable on more than is absolutely wanted.

3. The stock, property, liabilities, and shareholders of the present Company should merge in the new one.

4. Mr. Buller has proposed that the Company's dividend should be limited, like that of the East India Company, to 10 per cent. This seems to us unobjectionable, provided that the 10 per cent. can extend over an average of years. But any surplus should be invested in a sinking fund, to replace the capital stock.

5. The Company should be prohibited trading or banking, but might have such powers of lending money, &c. as the present Company has.

V.—*Lands and Emigration.*

1. Mr. Buller has proposed that no land should be allowed to be sold by the Company for less than 20 *s.* the acre. Adopting the following conditions, we think that the limit must be 25 *s.*

2. It should be stipulated that 15 *s.* of the price per acre should always be applied to emigration.

3. One-tenth of the price should always be applied to religious endowments and education.

4. The Company's emigration should be under the superintendence of the Land and Emigration Commissioners.

5. To guard against the possibility of rash or delusive paper sales, it would be necessary to insert a provision that henceforth, except as regards the amount awarded to the Company by Mr. Pennington, no land should be sold by the Company until actually surveyed. We make the exception only to meet present engagements.

VI.—*Military Defence.*

Our opinion is, that very little cost for military protection would be needed. The Company's government must protect itself against the natives by conciliation, and the voluntary efforts of the settlers. A militia force would be amply sufficient to repress all internal disorder. The wilder spirits of the natives might be tamed by incorporation into this force; and we see no necessity for troubling the Admiralty for a war-steamer.

We should therefore propose—

1. That the Company shall have power to raise troops and militia, and equip vessels, as in the old charters.

2. That if the Company required the presence of any regular troops, it should defray their whole pay and expenses while stationed in the colony or employed in its defence. Of course this stipulation would not apply when Great Britain shall be at war with any foreign power.

VII.—*Checks on the Company.*

We are bound to devise the most effectual checks on the powers thus to be vested in the Company.

1. The first would be the most entire publicity for all its proceedings. All its proceedings, and all letters received or written by it, should be minuted, and, on demand, laid before the Secretary of State; and yearly reports of the proceedings of the Company, setting forth all accounts, instruments, rules and regulations, orders, laws, and ordinances, appointments of officers, and delegations of powers, should be laid before Parliament within a fortnight of its meeting.

2. But the most effectual check possible would be, that in case of misconduct on the part of the Company, the charter might at any time be revoked by Her Majesty, on the Address of both Houses of Parliament. We would make this power even more effectual, by saying that the charter might not only be revoked, but at any time altered, in such way. These provisions would so effectually bring the Company under the immediate and easy control of public opinion, that

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we might dispense with those minute restrictions with which the Continental Governments are in the habit of nullifying their own delegations of power. It has been the practice of the English Government, when it delegated great powers, as in the case of the East India and Hudson's Bay Companies, to do so completely. So, we should say, delegate to this Company entire responsibility as well as power in all the details of its government; reserving to the supreme authority the right and power of at any time interfering to abolish or modify the delegated authority, whenever the results shall show abuse.

It would be necessary, however, to insert full provisions, to which we see Mr. Buller has not adverted, for securing the Company's pecuniary interests, in case of a revocation or alteration of their charter.

New Zealand House, 5 May 1845.

— No. 2. —

COPY of a LETTER from Lord *Stanley* to Viscount *Ingestre*, M.P.

No. 2.
Lord Stanley to
Viscount Ingestre,
M.P., 23 May 1845.

My Lord,

Downing-street, 23 May 1845.

I HAVE had the honour to receive your Lordship's letter of the 5th instant, written in behalf of the New Zealand Company, enclosing the heads of a plan for the adjustment of the difficulties under which the colony of New Zealand is at present labouring. That plan is formed on the basis of constituting a new Company for the government of the whole of the Middle Island, and of so much of the Northern Island as it might be advisable to include within its limits. It further proposes that the existing Company shall be merged in the Company so to be established, and that the new establishment should be formed on the model of the old proprietary governments on the North American Continent.

I regret to be under the necessity of informing your Lordship that Her Majesty's Government, having maturely examined this project, find that the difficulties of proceeding on the basis thus suggested are insuperable.

If, however, the New Zealand Company should have any other proposition to offer, founded upon a wholly different principle, for relieving themselves, the colony, and the Government, from the embarrassment consequent upon the present state of their affairs, Her Majesty's Government are ready to give their best attention to such proposition, and to enter upon the discussion with an earnest desire to find a satisfactory solution of the existing difficulties by an amicable arrangement with the New Zealand Company.

I have, &c.
(signed) *Stanley.*

— No. 3. —

COPY of a LETTER from Viscount *Ingestre*, M.P., to Lord *Stanley*.

No. 3.
Viscount Ingestre
M.P., to Lord
Stanley, 26 May
1845.

My Lord,

New Zealand House, 26 May 1845.

ON behalf of the Committee of the Directors of the New Zealand Company, I have to acknowledge the receipt of your Lordship's letter of the 23d instant.

It is with deep regret and disappointment that we have received the intimation that Her Majesty's Government find that the difficulties of proceeding on the basis suggested in my letter of the 5th May are, in their opinion, insuperable.

With reference to the suggestion made by your Lordship, of fresh proposals on our part, it does not appear to us that any advantage could result from our originating any fresh proposals on either of the two bases on which you stated to us, through Mr. Buller, that it remained open to continue the negotiation; but we should be happy to give the most cordial consideration to any plan which your Lordship may do us the honour to suggest, with a view of carrying your intentions into effect. With respect, however, to the alternative of buying up this Company's interests, and putting an end to its existence, we must take the earliest opportunity of observing that it would be impossible for us to entertain the suggestions for a moment, unless your Lordship would specifically state the guarantees which you have in view for securing the good government of the colonists whom we have established, and the welfare of the native race. We feel that

that time is of such importance to us, that unless assured that we renewed the negotiation with this fundamental requisite of such a plan clearly and satisfactorily before us, we could not consent to any further delay of the motion which Mr. Buller has undertaken to bring before the House of Commons.

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I have, &c.

(signed) *Ingestre,*

Chairman of the Secret Committee.

— No. 4. —

COPY of a LETTER from Lord *Stanley* to Viscount *Ingestre*, M.P.

My Lord,

Downing-street, 29 May 1845.

No. 4.

I HAVE had the honour of receiving a letter from your Lordship, signed on behalf of the "Secret Committee" of the New Zealand Company. As your Lordship's letter intimates to me that the New Zealand Company have no other propositions to offer to the consideration of Her Majesty's Government than those contained in your letter of the 5th inst., and which my letter of the 23d inst. stated to be in our opinion inadmissible, I might limit myself to a mere acknowledgment of your Lordship's communication, if some of the expressions used in it were not such as to produce an erroneous impression as to some not unimportant matters of fact.

Lord Stanley to
Viscount Ingestre,
M.P., 29 May 1845.

I must take leave to remind you that the original proposition for a fresh arrangement, on a new basis, of the Company's affairs in New Zealand, proceeded, not from Her Majesty's Government, but from Mr. C. Buller; that the first official communication on the subject was contained in your letter of the 5th instant, submitting a scheme previously prepared by that gentleman, to which the Government had engaged to give a deliberate and candid consideration, though, at the same time, I declined, as absolutely inadmissible, a suggestion that any proposal of the kind should emanate from the Government. After the fullest consideration, it appeared to my colleagues and myself that the basis suggested was open to insuperable objections; and while I limited my official communication to this announcement, Sir James Graham and I explained to Mr. C. Buller in private, as an act of courtesy, the nature of the objections which we felt. I am very unwilling to introduce any portion of private conversation into an official paper; but I am bound, in justice to myself, to say, that while we unreservedly discussed every possible basis of a fresh arrangement, it was distinctly understood that the Company were perfectly free to take their own course; to make any, or no, new propositions; and that Mr. Buller had no authority to make any statement, as from me, in the nature of a new proposal; that there was no question of "continuing the negotiation," and that it rested with the Company whether they would seek to open a new one. There were, therefore, no "suggestions" for the Company to "entertain" or decline to entertain; still less, as it appears to me, any plea on which the Company could stipulate for "guarantees" for the "good government of the colonists," or "the welfare of the native race." These are objects which, in our estimation, are of primary importance, and of which we do not require to be reminded by the New Zealand Company. Our desire to promote them has indeed been our main inducement to enter upon the negotiations to which we were invited by the Company.

Lastly, in reference to your Lordship's observation, that "time is of such importance, that without such guarantees, the Company could not consent to any further delay of the motion which Mr. Buller has undertaken to bring before the House of Commons," I have to remind your Lordship, that the postponement of that motion has been the spontaneous act of Mr. Buller himself; that Her Majesty's Government never have deprecated, nor do they now deprecate, the fullest discussion; nor have ever asked for, nor desired, the delay of a single day in bringing it forward: and if Mr. Buller has reported to your Lordship the substance of the conversation which has passed between us, he could hardly have omitted to say that the distinct understanding on which we parted was, that the negotiation being at an end, the Company was of course at full liberty to adopt any Parliamentary proceeding which they might deem expedient, and at such time as might best suit themselves.

I have, &c.

(signed) *Stanley.*

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— No. 5. —

No. 5.
C. Buller, jun. Esq.
M.P., to Lord
Stanley, 2 June
1845.

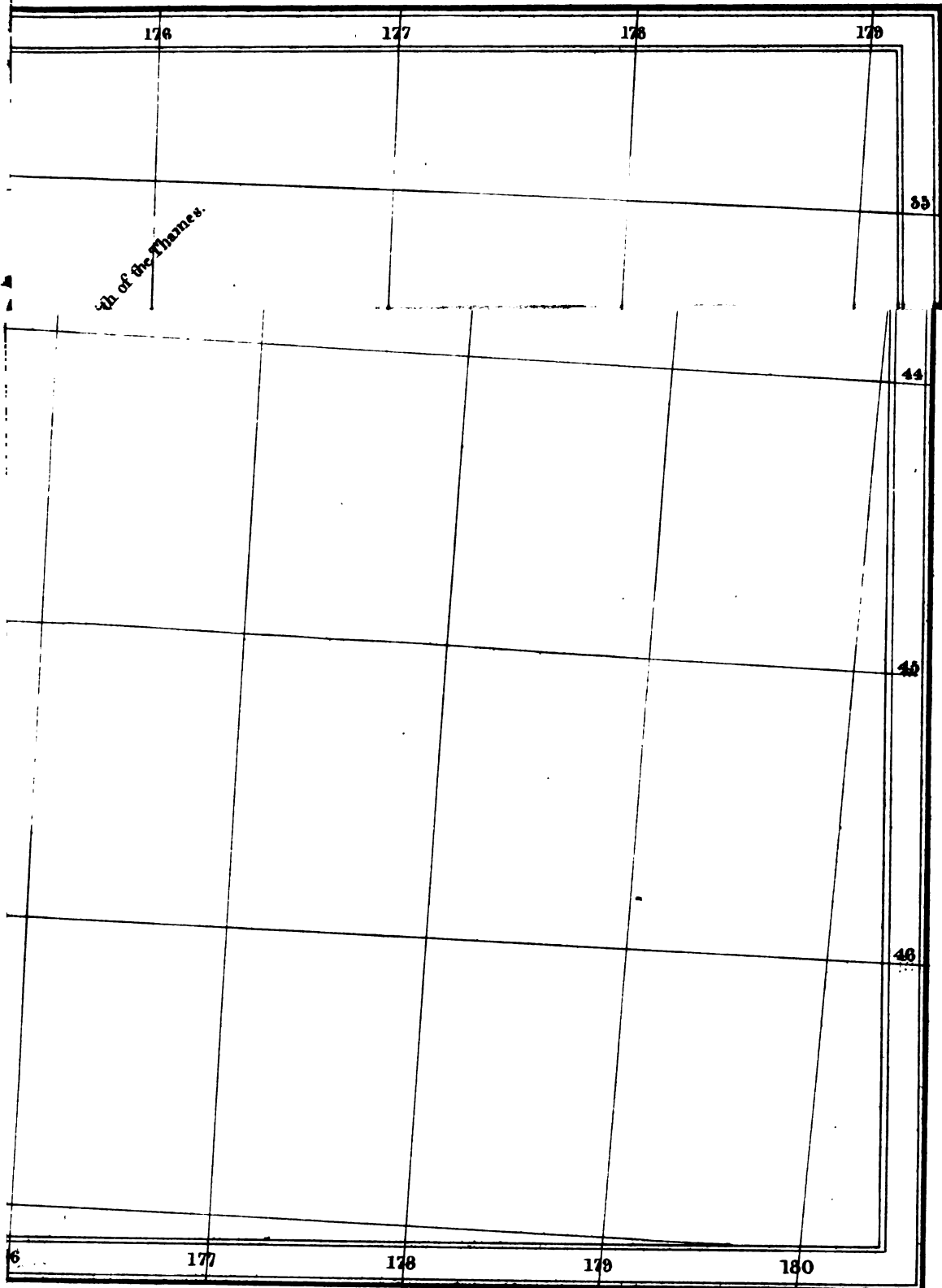
COPY of a LETTER from *C. Buller, Jun. Esq., M.P.*, to Lord *Stanley*.

My Lord, New Zealand House, 2 June 1845.
ON behalf of the Secret Committee of the New Zealand Company, I have the honour of acknowledging the receipt of your Lordship's letter of the 29th May, addressed to Lord Ingestre.

Unfortunately, the continuance of any correspondence between us can lead to no practical result; and we see no advantage in entering on a controversy respecting the points to which the greater part of your letter refers. Your Lordship's comments consist of inferences from the facts which we have asserted, by which we abide, and which your Lordship does not dispute. A controversy respecting the comparative correctness of your Lordship's inferences, and ours, would be endless and useless; and we trust, therefore, that we are guilty of no disrespect in declining such a discussion.

I have, &c.
(signed) *Charles Buller, Jun.*
Chairman of Committee.

**CORRESPONDENCE RELATIVE
OF A PROPRIETARY GOVERNMENT TO THE NEW ZEALAND COMPANY.**



J. Arrowsmith Lith.

no

NEW ZEALAND.

COPY of CORRESPONDENCE relative to a Proposal for a Grant of a PROPRIETARY GOVERNMENT to the NEW ZEALAND COMPANY.

(*Sir R. H. Inglis.*)

*Ordered, by The House of Commons, to be Printed,
6 June 1845.*

[*Price 1 s.*]

357.

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NEW ZEALAND.

RETURN to an Address of the Honourable The House of Commons,
dated 14 July 1845;—*for*,

“ COPY of all CORRESPONDENCE that has passed between Her Majesty's
Government and the NEW ZEALAND COMPANY, between the 19th day of
June and the 6th day of July; together with the Minutes transmitted in
Mr. C. A. Wood's Letter of the 8th day of July.”

Colonial Office, Downing-street, }
15 July 1845.

(signed) G. W. HOPE.

(*Mr. Charles Buller.*)

Ordered, by The House of Commons, to be Printed,
15 July 1845.

SCHEDULE.

No.

1. Copy of a Letter from Viscount Ingestre to the Right hon. Sir Robert Peel, dated New Zealand House, 5 July 1845 - - - - - p. 3
 2. Copy of a Letter from the Right hon. Sir Robert Peel to Viscount Ingestre, dated Whitehall, 9 July 1845 - - - - - p. 4
 3. Minutes of Communications between Lord Stanley and a Deputation from the Directors of the New Zealand Company - - - - - p. 4
 4. Extract of a Despatch from Lord Stanley to Governor Grey, dated Downing-street, 27 June 1845 - - - - - p. 7
 5. Copy of a Despatch from Lord Stanley to Governor Grey, dated Downing-street, 6 July 1845 p. 8
 6. Copy of a Letter from T. C. Harington, Esq., Secretary of the New Zealand Company, to Lord Stanley, dated New Zealand House, 11 July 1845 - - - - - p. 13
 7. Copy of a Letter from G. W. Hope, Esq., to T. C. Harington, Esq., dated Downing-street, 12 July 1845 - - - - - p. 13
 8. Copy of a Letter from Lord Stanley to Viscount Ingestre, dated Downing-street, 12 July 1845 p. 13
-

COPY of all CORRESPONDENCE that has passed between Her Majesty's Government and the NEW ZEALAND COMPANY, between the 19th day of June and the 6th day of July; together with the Minutes transmitted in Mr. C. A. Wood's Letter of the 8th day of July.

— No. 1.—

COPY of a LETTER from Viscount *Ingestre* to Sir *Robert Peel*.

Sir,

New Zealand House, 5 July 1845.

ON behalf of the Directors of the New Zealand Company, I have the honour (in the absence of the deputy-governor, who left town this morning) to acquaint you, that in consequence of your statement in Parliament, of your wish that the Company should be enabled to act in concert and harmony with Her Majesty's Government, as an useful instrument of colonization, we immediately requested a deputation from this court to wait upon Lord Stanley, for the purpose of endeavouring to make some arrangement with his Lordship, whereby the present obstacles to the attainment of that object might be removed.

In naming the deputation, we purposely selected members of our body who had not taken an active part in the past controversies with his Lordship. It consisted of our deputy-governor, the Honourable Francis Baring, Sir Isaac Lyon Goldsmid, Mr. George Frederick Young, and myself.

The Court of Directors received yesterday from the deputation a report of what passed at their several interviews with Lord Stanley, and with great regret found themselves under the necessity of coming to the conclusion, that, notwithstanding the courtesy with which the deputation were received, no real advance whatever had been made towards a satisfactory termination of the differences between the Colonial Office and the Company. It appeared from the report in question, that Lord Stanley substantially adhered to those opinions concerning the Company's claims, the authoritative assertion of which has been the means of placing our settlements in the greatest danger, and of putting a stop to the pursuit by us of every object contemplated in our charter of incorporation. And although the deputation understood it to be not altogether impossible that Her Majesty's Government might be induced to afford the Company the assistance of a loan of money, and an interview on that point was contemplated with the members of the Government with whom that branch of the subject more immediately lay, we are decidedly of opinion that the acceptance of such a loan, whilst our just claims continued to be denied as heretofore, and whilst, therefore, we had no prospect of ever being able to cancel the debt, or use the money beneficially for any of the public purposes, for the furtherance of which it could alone be asked or granted, would be scarcely honourable on our part. In fact, the only application which, in our present state of helplessness, we could have made of the money, would have been to afford temporary relief to the proprietors of the Company from pecuniary pressure.

Under these circumstances, we have resolved to address ourselves to you, as the head of Her Majesty's Government, in the hope that it may yet be in your power to devise some means by which your own declared object may be accomplished, and we may be enabled to afford the suffering colonists, who have settled in New Zealand through our instrumentality, some definite and specific information as to the measures whereby Her Majesty's Government propose to carry into effect their favourable intentions towards them and us.

I have, &c.
(signed) *Ingestre*.

— No. 2. —

COPY of a LETTER from Sir *Robert Peel* to Viscount *Ingestre*.

My Lord,

Whitehall, 9 July 1845.

I HAVE the honour to acknowledge the receipt of your Lordship's letter of 5th July.

It is quite true that in the debate which recently took place in the House of Commons with reference to the affairs of the New Zealand Company, I gave expression to a wish, which I sincerely entertained, that the New Zealand Company might thereafter be enabled to act in concert and harmony with Her Majesty's Government, as an useful instrument of colonization.

I have read with attention the minutes of the personal communication which has taken place subsequently to the debate above referred to, between Lord Stanley and a deputation from the directors of the New Zealand Company; I consider that the minutes of this communication fully prove that Lord Stanley is influenced by the same wish which I expressed in respect to the re-establishment of a friendly understanding and co-operation between the Government and the New Zealand Company.

I regret that the directors are not satisfied by the result of the interview between Lord Stanley and the deputation; but as my own sentiments are in concurrence with those expressed by Lord Stanley, and as I have entire confidence in the desire of Lord Stanley to promote the welfare of the Company, so far as he can do it consistently with his own sense of public duty and with public engagements entered into with the sanction of the Crown, I must decline interference with the discretion of Lord Stanley in matters, the immediate consideration of which properly belongs to the department over which he presides.

I have, &c.
(signed) *R. Peel.*

— No. 3. —

MINUTES of COMMUNICATIONS between Lord *Stanley* and a Deputation from the Directors of the New Zealand Company, consisting of the Honourable Francis Baring, Viscount *Ingestre*, Sir Isaac Lyon Goldsmid, Baronet, and George Frederick Young, Esquire.

AT two interviews held with Lord Stanley, at his Lordship's house in St. James's-square, on Friday the 27th of June, and Tuesday the 1st of July 1845, the following subjects were brought under consideration, and discussed; namely,

1. The claim of the Company to an immediate grant of its lands.
2. The application of the Company for a loan from Her Majesty's Government.
3. The objections of the Company to the Crown's right of pre-emption to the land in New Zealand being waived, and purchases being permitted to be made directly from the natives.
4. The situation of the future seat of government.
5. The introduction of the principle of representation into the future government of the Colony.

1.—As to the Company's Lands.

In order to an immediate and effectual settlement of the Company's claims, so far as they relate to lands of which the Court of Claims in New Zealand has examined the titles, and on which it has pronounced its awards, the deputation first submitted that a grant of such lands should be forthwith issued, under the Great Seal of the United Kingdom.

In reply to this, Lord Stanley expressed his doubts whether such a grant could legally be issued by the Home Government, but considered that it would at all events

events be impracticable, from the absence of any plans or other information by which the boundaries of the particular tracts to be granted could be ascertained.

For these reasons, his Lordship considered the proposal inadmissible.

Waiving further discussion of these objections, the deputation then asked that positive instructions should be sent to Captain Grey, or the acting Governor for the time being, to issue forthwith an unconditional grant, under the colonial seal, of the lands adjudicated on by the Court of Claims as above mentioned.

Lord Stanley replied, that as the varying circumstances of the settlements might require in the several cases a different course of proceeding, he must consider, and decide on each case separately.

That with respect to the lands at Wellington, comprising about 60,000 acres, he saw no objection to giving instructions for an immediate grant (if it should not have been already issued), on the assumption that the award had been made, and the money awarded accepted by the natives.

That at Nelson also, with the exception of the lands at Wairoa, he thought similar instructions might be issued.

That at Otago, as soon as Colonel Wakefield should have selected the 150,000 acres, in accordance with his agreement, dated 31st July 1844, a grant might also be issued.

With regard to the above settlements, and also to Taranaki, Manawatu, and Wanganui, Lord Stanley communicated to the deputation the precise instructions he proposed to send to Governor Grey by the next mail of the 7th of July.

Reference having been made in these discussions to the additional payments required from the Company, either by the awards of the Commissioner of the Court of Claims, or by directions of the Governor, the deputation incidentally remarked, that as a matter of course the Company would, in consideration of all such payments, be entitled to land at the rate mentioned in the agreement of November 1840, namely, four acres for every pound sterling, and that a similar claim would arise in respect to all payments for purchases of land required to be made for the fulfilment of that agreement.

Lord Stanley expressed some surprise at this claim, and intimated that he was not then prepared to admit its validity.

After some discussion, the deputation, conceding to Lord Stanley full credit for sincerity in his expressed desire to do justice to the Company, and claiming for the directors equal credit for not desiring to advance any claim unsupported in their opinion by the strictest equity, suggested that, instead of being made the subject of renewed controversy, this, and any similar question on which a difference of opinion might arise, should be at once referred, in an amicable spirit, to the decision of two individuals of high character and station, one to be chosen by Lord Stanley, and the other by the directors, and that the determination of such arbitrators should be conclusively binding on all parties.

The further consideration of these questions was then deferred.

2.—The Application of the Company for a Loan.

On the subject of an advance of money on loan to the Company, the deputation submitted the strong grounds furnished for the liberal consideration of Her Majesty's Government, by the indisputable fact, that the pecuniary difficulties of the Company had solely arisen from the delay in granting titles to their lands, by which, on the one hand, land sales, their only source of revenue, had been entirely suspended, while on the other, the same cause having produced a perfect stagnation in the colony, and consequent cessation of demand for labour, a serious burden had been thrown on the Company for the maintenance of unemployed emigrant labourers, and for other objects from which no immediate return could be derived. They further pressed strongly on his Lordship's consideration the importance of any advance that might be made, being on the security of the Company's lands alone, as the most effectual means of restoring public confidence in the value of the Company's possessions.

Lord Stanley replied, that he could not admit the validity of the grounds on which the claims for aid from the Government was put forward; but that this was a point specially requiring communication with the First Lord of the Treasury and the Chancellor of the Exchequer, the latter of whom was out of town.

The consideration of the question was therefore postponed.

3.—Purchases of Land by Europeans from the Natives.

The deputation strongly represented the injury and injustice to the Company, and to all persons who had purchased land from the Government at the legally authorized rate of 20 *s.* an acre, resulting from the permission given for the purchase of land from the natives, on the conditions expressed in Governor FitzRoy's two proclamations of 26th March and 10th October 1844; namely, the payment to Government of either 10 *s.* or 1 *d.* an acre, in addition to the price paid to the natives.

Lord Stanley, in reply, intimated that with respect to purchases under a payment of 10 *s.* an acre, he believed that the Company need be under no apprehension of inconvenience, as it would be found that the small amount of land which had been actually purchased under that condition had cost the buyers not less than from 30 *s.* to 35 *s.* per acre; and that with respect to Captain FitzRoy's subsequent proclamation and permission to purchase on payment of 1 *d.* per acre, although the purchases actually made must of course be respected, it appeared to him an impolitic measure; and his Lordship then read to the deputation an extract from a despatch on the subject to Captain Grey.

The deputation, however, observed, that, considering the nature of such transactions and the parties engaged, the real terms of purchase would never be accurately known, and they urged that the only safe and consistent course was the inflexible maintenance by the Crown of its right of pre-emption, and the refusal to sanction any purchase privately made from the natives.

4.—The future Seat of Government.

Upon this question the deputation submitted the expediency of a decision being taken at once by the Home Government. They represented that all the facts requisite for the formation of a judgment were now fully known; and they urged that when a new Governor was about to be appointed, to the efficiency of whose administration it was of the last importance that he should enter on his duties with the full confidence of all classes of settlers, it would appear to be an act of extreme impolicy to compel him to decide, at the outset of his career, a question which had excited so much conflicting feeling, and involved so many opposing interests, with the certainty that his decision must cause deep disappointment and dissatisfaction, either to the settlers at Auckland or to those at Cook's Strait.

Lord Stanley replied, that he feared that, if called on at the present moment to decide this question, his decision must, from political considerations connected with its position, be given in favour of Auckland; and that, although in New Zealand, as in all new colonies, the question of the ultimate position of the seat of Government must be, more or less, an open one, it was not his intention to issue any fresh instructions at present on the subject.

The deputation answered, that they considered it most important that it *should* be referred to; and that if his Lordship should be disposed to entertain the suggestion of the determination being made by the Home Government, or should resolve to express any opinion on the subject in his instructions to the Governor, the Company will be prepared to submit to him such reasons for a preference of Wellington as the future seat of Government, as they firmly believed would, even in reference to the considerations mentioned by his Lordship, induce a very different view of the question from that which he at present entertains.

5.—The future Government of the Colony.

The deputation stated, that on this subject the Company, and all persons interested in New Zealand, had regarded with the deepest interest the declarations made by Her Majesty's Government during the recent discussions in Parliament; that the Company entertained the strongest conviction that the introduction of the principle of Representative Government into the institutions of New Zealand was indispensable to the prosperous settlement of the colony; and that it would consequently be highly satisfactory to know what were the precise views of Lord Stanley with regard to the municipal institutions referred to in the debate, and the importance of the powers of such institutions being extended to matters of higher moment than the mere watching, lighting and paving of towns, and local objects of similar description.

Lord Stanley replied, that he would communicate to the deputation the instructions which he proposed giving to Captain Grey.

4th July 1845.

The deputation had this day a further interview with Lord Stanley, at which the foregoing minute was agreed to be correct, and his Lordship placed in the hands of the deputation the instructions to Captain Grey on the subject of the Company's claims to land, and explained the purport of his instructions respecting the future government of the colony. His Lordship also promised to send the deputation, in the course of a few days, copies or extracts of his despatches to Captain Grey; and it was agreed that until they be forwarded to the deputation, the communication of their contents this day made should be considered confidential.

After renewed discussion of the various points which had been brought under consideration, the deputation expressed their apprehension that the instructions to Captain Grey, in reference to the land titles, were not sufficiently positive to justify them in resuming their sales of land and colonizing operations, and their regret at the different views taken by Lord Stanley on most of the other claims submitted to him from those entertained by the Company; and that it must consequently be distinctly understood, that while they duly estimated the courtesy of Lord Stanley's communications, the claims of the Company must not be considered as in any degree prejudiced by what had passed in these interviews.

—No. 4.—

EXTRACT of a DESPATCH from Lord *Stanley* to Governor *Grey*,
dated Downing-street, 27 June 1845.

You will observe that in my despatch of the 11th November 1844, while I sanctioned Captain FitzRoy's waiver of that right, subject to the condition which he then imposed, I was of opinion that a yet higher fee might have been paid than he required on such transactions. You will, of course, recognize any sales which he may have sanctioned under his last proclamation, reducing the fee to one penny per acre; but, with my present information, I am bound to say that this appears to me to have been a most impolitic arrangement; and I should earnestly impress upon you the inexpediency of allowing such purchases for the future.

* * * * *

Another subject to which your attention will have to be directed, will be the demand which will probably be made for the extension of Representative Government to New Zealand. By Representative Government, I mean the constitution of an elective assembly, with general powers of legislation for the colony. I should be very glad, if I could think that, in the present condition of the colony, it was practicable to adopt this course; but the objections to it appear to me at present to be insuperable. The first of these naturally arises from the position of the native inhabitants, whom, I consider, it would be equally impossible to admit to the exercise of the franchise, and unjust to subject to the control of a popularly elected body, not only not representing their interests, but in many respects having interests altogether opposed to theirs. But an additional and very serious difficulty presents itself in the small number and extreme dispersion of the European inhabitants. The distances between the various settlements are so great, and the means of communicating between them are so restricted, that even if it were possible to find in each of them persons properly qualified to represent the interests of their several constituencies, such persons would not have the inclination or the leisure to resort to the capital and abandon their own pursuits, for the length of time which would be requisite for the sitting of the legislature. For these, among other reasons, I think the admission of the representative system is for the present impracticable; and I would, therefore, have you direct your attention and that of the colonists to the formation of local municipal bodies, with considerable powers of taxation for local purposes, and of making the necessary bye-laws, leaving the more general powers of legislation vested in the council as at present constituted. Looking to the peculiar circumstances of New Zealand, I should not object to extend the authority of those local bodies over a considerable district of the surrounding country, of the extent of which you would in each case be the judge, having in

view the local circumstances, and especially the facilities of forming the districts so as not to include any large number of natives. Those who might happen to be interspersed with the Europeans in small numbers, would of course be admitted to all the privileges and subject to all the restraints and obligations of the local laws and regulations. On those bodies I think you will find it advisable to throw, as far as possible, the burthen of so much of the expenditure of your government, as can fairly be considered to be of a local character; thus endeavouring to obviate objections which might be raised to the disproportion between the taxation of any particular locality, and the benefit derived to it in the expenditure of the public revenue.

In my despatch of the 13th instant, I adverted shortly to the relations between Her Majesty's Government and the New Zealand Company. The early settlement of the pending questions respecting the Company's claims to land is of paramount importance towards the adjustment of the affairs of the colony; and it is far more necessary to take effectual steps for bringing these discussions to a final, and if possible a satisfactory conclusion, than to re-open questions of strict right, or carry on an unprofitable controversy. Her Majesty's Government had entertained the hope that the instructions already given to Captain FitzRoy would have had the effect of putting the Company's settlers in undisturbed possession of the amount of land assigned to them by the award of Mr. Pennington. It is, however, alleged by the Company, that up to the period of their latest information, they had not received, although they had made frequent and urgent applications, even a conditional grant of the smallest portion of territory. I do not understand it to be denied that many of their settlers are in undisturbed occupation of their land, but it is asserted that they have not as yet obtained any valid titles to it; unfortunately on this, as on many other points, Captain FitzRoy has left me without the means of judging of the correctness of those representations. It will be one of your first duties to make me acquainted with the exact state of the case, as between Her Majesty's Government and the Company. You will report the number and extent of the claims made by them; of the absolute and conditional grants issued to them, and the reasons which may in any case have led to a non-compliance on the part of the local authorities with my instructions of May 1843. You will then call upon the agent of the Company to specify to you, with the least possible delay, the whole of the lands which, on the part of the Company, he desires to select, in virtue of Mr. Pennington's award; and you will offer to him, at once, conditional grants of the whole of them, in conformity with my former instructions; it is of course impossible for me to estimate the proportion of these grants, which may be ultimately undisputed; I can only repeat to you the instructions which I have already given to Captain FitzRoy, to endeavour, by amicable co-operation with Colonel Wakefield, to remove obstacles arising from unsatisfied native claims, and to discourage, as far as lies in your power, any exorbitant or extortionate demands on the Company on this head.

— No. 5. —

COPY of a DESPATCH from Lord *Stanley* to Governor *Grey*.

No. 5. Sir, Downing-street, 6 July 1845.

REFERRING to my previous instructions relative to the claims to land of the New Zealand Company, I have to add, that I have had an interview with some of the directors of the Company, with a view to facilitate, as much as possible, the completion of that most desirable object; viz. the possession by the Company of Crown grants for a quantity of land, the extent of which is regulated by Mr. Pennington's award. By reference to the papers in the margin, you will perceive that the total amount proved to the satisfaction of that gentleman to have been expended by the Company under the agreement of November 1840, amounts to 178,148*l.* 4*s.* 2*d.* Four times that sum in acres of land will represent 712,593 acres, to which must be added 50,000 acres allowed to the Company under an agreement entered into in May 1841; the Company further claim, under the agreement of November 1840, 121,955 acres in addition. The expenditure in respect to this latter quantity has not yet been ascertained, but admitting it to be correct, the total claim of the Company would amount to

884,548

Mr. Pennington to
Mr. Hope, 16 No-
vember 1842.
Appendix, Com-
mittee Report,
p. 538.
Parliamentary
Paper, No. 569 of
1842, p. 8.

884,548 acres, of which, in securing the Company quiet possession, the Government feels bound to afford every assistance. There has been placed in my hands a paper, a copy of which I enclose, containing remarks upon the state of the Company's claims in the different settlements, and towards the end, under the heading "Recapitulation," you will observe a statement of the quantity of land for which the Company believe they are now entitled to demand of the Crown full and complete titles. The gross quantity thus claimed in the settlements enumerated in the margin, will be found to amount to 599,000 acres. I omit for the present any notice of the incomplete purchases in the Warairapa valley, and other places authorized by Captain FitzRoy, in his instructions to Mr. Spain of the 27th February 1844.*

General Land Account of Company, 29 February 1844. Appendix, Committee Report, p. 241.

1. Port Nicholson	-	60,000
2. Manawatu	- -	75,000
3. Wanganui	- -	40,000
4. Taranaki or New Plymouth	- }	60,000
5. Nelson	- -	160,000
6. Otago	- -	150,000

* Parliamentary Paper, No. 369, p. 57.

I must not, however, omit to mention, that in respect to the Company's claims, the official information which I possess is at present very incomplete, and that in the absence of intelligence, which before this I hoped to have received from Captain FitzRoy, I have been obliged to have recourse, as the only means of information, to letters that have passed between the local authorities and the resident officers of the Company, and which have since been published by the directors with their reports to the shareholders.

If, therefore, it should hereafter turn out that I am in error on facts which I now assume to be true, you will know to what cause to attribute my misconceptions, and you will be guided in your conduct by the circumstances which you find actually to exist, according to the discretion which I have already confided to you.

With these introductory remarks, I propose to pass in review the state of the Company's land claims, as far as I am aware of it in each of the settlements, and to give to you such instructions as I think each case may separately require.

Port Nicholson.

I commence with the Port Nicholson district. I understand that the sum of 1,500*l.* awarded by Mr. Spain as compensation from the Company to the natives has been paid by the former and accepted by the latter; and a further sum of 100*l.* may also have been paid. The quantity of land this sum was intended to secure to the Company appears to be something less than 60,000 acres. It is only by the latest intelligence that I am informed an arrangement with the natives in this district had been effected; and I have no reason to doubt that before you receive this despatch, a Crown grant will have been made to the Company for the quantity of land included in Mr. Spain's award. But if I am disappointed in this expectation, now that an arrangement with the natives has been accomplished, I can have no hesitation in directing you to lose no time in forwarding to Colonel Wakefield a Crown grant for the land in the neighbourhood of Wellington, to which Mr. Spain considers the Company to be entitled.

I shall allude presently to the settlements at Manawatu and Wanganui, which are also within this district.

Nelson.

I have to convey to you instructions respecting the Company's lands in this settlement, similar to those which I have just addressed to you about Wellington.

It would appear that the sum of 800 *l.* was paid to the natives in August last, as additional compensation for their lands; and I believe Mr. Spain has made an award. If a report in favour of the grant has been made by that gentleman, and an arrangement with the natives completed, there can be no doubt that the Crown grant should forthwith be issued for the quantity of land which this additional payment was intended to secure to the Company. I must not omit to observe, that I have no information as to the extent of the land included in any award which Mr. Spain may have made, although the Company claim 160,000 acres, exclusive of Wairoa.

Otago.

This district has been purchased under special circumstances; it has been acquired by the Company by virtue of an arrangement authorized by Captain FitzRoy, the particulars of which you will find in the papers referred to in the margin.

Parliamentary
Paper, New Zealand,
1845,
No. 369, p. 57.

Parliamentary
Paper, New Zealand,
1845,
No. 369, p. 56.
Colonel Wakefield
to Secretary of
the Company,
8 October 1844.
17th Report of
Company, p. 151.

margin. You will perceive, that the quantity of land at Otago, of which Captain FitzRoy consented to waive in favour of the Company the Crown's right of pre-emption, is limited to 150,000 acres; but in order to facilitate the purchase, and to include the most available land, as well as to obtain natural boundaries, Mr. Symonds, who was entrusted to superintend the sale on behalf of the Government, sanctioned an extension of the limits, on the express condition that the agent of the Company should confine himself to the selection of that land in respect of which the Crown's right of pre-emption had been waived. Colonel Wakefield signed an acknowledgment to that effect, which you will find annexed to the deed. By the undertaking, Colonel Wakefield is to select the land as soon as it is surveyed. I am not aware that the survey has yet been completed; indeed I infer from Colonel Wakefield's letter, referred to in the margin, that the survey, although commenced, was discontinued last autumn, in consequence of intelligence he received from England. As soon, however, as the survey is made, and Colonel Wakefield is in a condition to apply for a Crown grant, I can have no hesitation in instructing you to make it to him with the least possible delay, not only for the 150,000 acres, to which the Company would be entitled, under the arrangement sanctioned by Captain FitzRoy, but to any larger extent of available land not already reserved by Mr. Symonds for the natives or Government purposes, out of the tract included in the deed of sale, dated the 31st July 1844.

Taranaki or New Plymouth Settlement.

5 February 1845,
Colonel Wakefield
to Mr. Sinclair.
Supplement, 18th
Report, p. 61.
Parliamentary
Paper, New Zealand,
1845,
No. 369, p. 99.

With respect to this settlement I regret that the present state of my information does not enable me to give you any specific instructions. I am aware that Mr. Spain has made an award in favour of the Company of 60,000 acres, and I am also aware that Captain FitzRoy has refused to confirm it. Further, I know of his offer of a Crown grant for 3,500 acres, and of Colonel Wakefield's refusing to accept it, and of his reasons for declining the offer, which are mentioned in his letter to Mr. Sinclair. Captain FitzRoy, in his confidential despatch of the 19th December last, notices this question, and, considering the date of that communication, I have a right to expect that I may receive shortly the documents to which he then referred, and without which it would be premature that I should express any opinion upon a question decided upon by the officer administering the government of the colony, and clearly within the scope of his authority. You will, however, not understand me to wish you to postpone the settlement of this claim until you receive from me definite instructions, if any opportunity should in the meantime occur, of which you may be able to avail yourself, to secure for the Company a larger tract of land than that contained in the Crown grant offered to Colonel Wakefield. On the contrary, you will afford the Company's agent every assistance to extend the limits of the lands to which they may be able to acquire *bond fide* titles.

Manawatu and Wanganui.

17th Report of
Company, p. 67.

I am also unable to give you any instructions with respect to either of these settlements. The extent of land claimed by the Company in the former is 75,000 acres. In Colonel Wakefield's Report of the 5th of July 1844 he states, that Mr. Spain was unable to effect any arrangement with the natives at the former place; although he adds, that nothing more could be done than was attempted by Mr. Spain to effect an amicable surrender by the natives of the land. At the latter settlement an award was made by Mr. Spain in favour of the Company, in consideration that the natives should receive 1,000*l.* additional payment, which sum, however, they afterwards refused to accept, and it was returned to Colonel Wakefield. In the present state of information, therefore, in reference to both these settlements, I do not feel that I should be justified in giving you any directions respecting the course you should pursue.

Wairarapa and other places.

New Zealand
Papers, 1845,
No. 369, p. 57.

It only remains for me to notice the incomplete purchases in Wairarapa Valley and other places, sanctioned by Captain FitzRoy, as seen by his instructions to Mr. Spain.

By a letter from Colonel Wakefield referred to in the margin, all negotiation for

for these purchases appears to have been discontinued ; and the only instructions I have to give you respecting them are to afford the Company every facility in completing their purchases whenever their agent renews his treaty with the natives.

Supplement, 18th Report of Company, p. 6.

I have, &c.
(signed) Stanley.

Enclosure in No. 5.

AWARDS AND ADDITIONAL PAYMENTS.

THE state of the several awards pronounced by Mr. Commissioner Spain, and of the additional payments ordered by the Government, from the first visit of Governor FitzRoy to Cook's Strait in January 1844, up to the date of the most recent intelligence received 18th February 1845, appears to be respectively as follows :—

1.—*Port Nicholson District.*

In February 1844, an additional payment was ordered of 1,500 *l.* for a tract comprising about 54,000 acres to 60,000 acres, excluding native paha and cultivations.

N. Z. C. 14th Report, pp. 102-105.

In the following month an additional sum of 100 *l.* was placed by Colonel Wakefield at the disposal of the Commissioners, to pay for the native crops of potatoes growing on part of the said land.

N. Z. C. 17th Report, p. 31.

On 16th April 1844, out of the account above mentioned, the sum of 950 *l.* had been paid over to the natives by Mr. George Clarke, junior.

N. Z. C. 17th Report, p. 52.

In November 1844, a further sum of 400 *l.* was paid to Rauperaha and Rangihaiata, for their claims on the Valley of the Hutt.

N. Z. C. 18th Report, p. 78.

This award is understood to be confirmed by Governor FitzRoy, but the deeds of grant have not been issued, Governor FitzRoy declining, in October 1844, to take any further steps in the matter until he receives fresh instructions from England, in the belief that a transfer of the Company's affairs to the hands of the Government will enable him to effect his plans of concentration, *i. e.* of breaking up the Company's settlements.

N. Z. C. 18th Report, pp. 68 and 76.

The Governor has promised to give quiet possession of the land, and has ordered the erection of a fort in the Valley of the Hutt ; but after ineffectual endeavours to secure such possession, on the part of the Government, the land was tabooed against other natives by Rauperaha, in January 1845.

N. Z. C. Supplement, p. 4.

2.—*Manawatee, subsidiary to the Settlement of Wellington.*

In April 1844, Colonel Wakefield, at the instance of Mr. Spain and Mr. Clarke, provided the sum of 3,000 *l.* to meet such further payments as might be ordered for Manawatee, Wanganui and Taranaki (or New Plymouth).

N. Z. C. 17th Report, pp. 48-56.

In last week of April, or first week of May 1844, the Commissioner decided that the whole of this land had been purchased by the Company, with the exception of the claims of one chief, whom he advised (but in vain) to accept the payment which Colonel Wakefield was ready to make, out of the 3,000 *l.* above mentioned.

N. Z. C. 17th Report, p. 66.

Neither the extent of land awarded nor the amount of additional payment intended have been specified, nor is it known whether the award has been confirmed by the Governor or not. The land is believed to comprise 75,000 acres.

3.—*Wanganui, subsidiary to the Settlement of Wellington.*

In May 1844, Mr. Spain awarded the land 40,000 acres to the Company, and offered the natives an additional payment of 1,000 *l.* ; but to the surprise of Mr. Clarke, &c. they refused to take it.

N. Z. C. 17th Report, p. 67.

In January 1845 an aggression was made by the natives in this place, in which the Bishop was insulted by them, &c. ; but the particulars are not known, except from newspaper statements, and a memorial addressed by the inhabitants of Wellington to Sir George Gipps, the Governor of New South Wales.

N. Z. C. Supplement, p. 10.

Governor FitzRoy's decision with regard to this award is not known.

4.—*Taranaki or New Plymouth.*

In June 1844 the Commissioner awarded to the Company 60,000 acres, subject to an additional payment of 200 *l.* in lieu of some guns before promised.

N. Z. C. 17th Report, pp. 68, and 113, 114.

In the August following, Governor FitzRoy refused to confirm this award, and insisted on additional payments, then estimated at 350 *l.* to 500 *l.*, being paid to the natives, who were absent and in slavery at the time of the original purchase being effected by Colonel Wakefield.

N. Z. C. 17th Report, pp. 116-118.

The probable effects of this proceeding, and the facts of the case, including a previous additional payment by Governor Hobson, were recapitulated by Colonel Wakefield to the Company's resident agent, Mr. Wicksteed, in November 1844.

N. Z. C. 18th Report, pp. 90-93.

In the same month, November 1844, Governor FitzRoy returned to New Plymouth, and took further proceedings for immediately securing, under additional payments, 3,500 acres only out of the 60,000 awarded by Mr. Spain, and for removing the outlying settlers to the "Town-Belt."

N. Z. C. 18th Report, p. 88.

N. Z. C. Supplement, pp. 26-34, 43-54.

N. Z. C. Supplement, p. 33.

As a part of these proceedings, Governor FitzRoy gave the Company credit for 382 *l.* in exchange for certain stores, &c., and stated his intention of advancing 1,500 *l.* for such further additional payments as might be required, and compelling the Company's repayment of that sum by withholding the deeds of grant for the purchase effected by the Company at Otago, the intended site of New Edinburgh.

N. Z. C. Supplement, pp. 34-40, 56-60.

These proceedings, although assented to by Mr. Wicksteed, were entirely repudiated by Colonel Wakefield, as exceeding the powers entrusted to the Company's agents; the deed of grant, which had been prepared for 3,500 acres only, was declined by him till such time as he should receive the instructions of the directors regarding it, and the *Cranes*, which had been taken from New Plymouth to Auckland by order of Governor FitzRoy, were returned to Wellington in February 1845.

5.—Nelson.

N. Z. C. 17th Report, pp. 78, 79.

In August 1844, the Commissioner awarded to the Company the whole of the land claimed (extent not stated), with the exception of Wairao, his decision upon which he reserved until after further communication with Rauperaha.

Contents believed to be, Wairao, 60,000 acres, the remainder 160,000.

N. Z. C. 17th Report, p. 79.

Additional payments had previously been made by the late Captain Wakefield, to the amount of nearly 1,000 *l.*; but as the expectations of the natives had been raised, the Commissioner assented to, though he did not order, a further payment of 800 *l.*

N. Z. C. 18th Report, p. 83.

The decision of Governor FitzRoy upon this award is not known, but he has repeatedly declared his intention of breaking up the Nelson settlement.

N. Z. C. Supplement, pp. 19-25.

In January 1845, an aggression was threatened by a chief named Parramatta, in consequence of the non-confirmation of the Commissioner's award at New Plymouth, but was promptly repressed by the settlers and the Company's resident agent. Mr. Fox afterwards confirmed and sanctioned by the superintendent Major Richmond, though discountenanced at the time by the police magistrate Mr. Sinclair.

6.—New Edinburgh.

N. Z. C. 17th Report, p. 139.

In February 1844, the Governor waived the Crown's right of pre-emption for 150,000 acres of land in the Middle Island, and instructed Mr. Symonds to assist the Company's agents in effecting this purchase.

N. Z. C. 17th Report, pp. 142 and 149.

In July 1844 a purchase was effected of 400,000 acres at Otago, for the sum of 2,400 *l.*

N. Z. C. Supplement, p. 33.

The only allusion to the Governor's intentions with regard to this purchase, is that made in Mr. Wicksteed's letter of 7 December 1844, in which he reports Captain FitzRoy had stated at an interview with the settlers, that if the Government in England would not re-pay the advance of (1,500 *l.* to be made by him in furtherance of his non-confirmation of the Commissioner's award at New Plymouth), the Company might be compelled to repay it, by withholding a Crown grant for part of the land they had lately bought at Otago.

7.—Other Land Claims of the Company.

N. Z. C. 17th Report, p. 48.

In February 1844, Governor FitzRoy waived the Crown's right of pre-emption of 150,000 acres of land at Wairarapa, and 250,000 acres elsewhere, and instructed Mr. Spain to assist the Company's agents in effecting the purchase.

N. Z. C. 17th Report, pp. 76-82.

But the completion of these intended purchases has been prevented by the proclamation issued by Governor FitzRoy on 10th October 1844, authorizing the purchase of land direct from the natives, on paying to the Crown a fee of one penny an acre, and by the suspension of the Company's operations.

N. Z. C. Supplement, p. 516.

RECAPITULATION.

It will be seen from the foregoing detail that the quantity of land which has been awarded to the Company by Mr. Spain, and the additional payments which the Company is required to make, cannot be stated with precision; but the following quantities and sums have been officially mentioned from time to time; namely:—

	Acres.	£.
1. Port Nicholson district - - - - -	{ 54,000 to 60,000 }	1,500
Ditto - - to pay for potato crops - - - - -	- - - - -	100
2. Manawatu - - - - -	{ Believed to be 75,000 }	3,000
3. Wanganui - - - - -	{ 40,000 }	
4. Taranaki or New Plymouth - - - - -	{ 60,000 }	
Ditto - - first addition - - - - -	- - - - -	500
Ditto - - second addition - - - - -	- - - - -	1,500
5. Nelson (exclusive of Wairao, not yet finally decided on) - - - - -	{ Believed to be 160,000, exclusive of 60,000 at Wairao. }	800
6. Otago or New Edinburgh (400,000 acres purchased with the reinstated) - - - - -	{ 150,000 }	2,400
	£.	9,800

7. Wairarapa

7. Wairarapa (purchase not completed)	- - - - -	150,000	not yet known.
8. Other places required to satisfy the Company's claims (purchase not completed)	- - - - -	250,000	not yet known.

The only Crown grant yet issued for any portion of the above is the deed for 3,500 acres at New Plymouth, which has been declined by Colonel Wakefield, for the reasons stated above.

—No. 6.—

COPY of a LETTER from *T. C. Harington, Esq.*, Secretary to the New Zealand Company, to Lord *Stanley*.

My Lord,

New Zealand House, 11 July 1845.

THE deputation of Directors of the New Zealand Company, who were recently admitted to interviews with your Lordship, having intimated to the court that your Lordship had communicated to them your instructions to Captain Grey, upon two of the points submitted by them to your consideration, and that copies or extracts were to be forwarded to the court immediately after the departure of the overland mail, till which time the communication above-mentioned was to be considered as confidential, I am instructed by the court to acquaint your Lordship that the copies or extracts referred to have not yet been received, and respectfully to request that the directors may be favoured by their transmission.

I have, &c.

(signed) *T. C. Harington, Secretary.*

—No. 7.—

COPY of a LETTER from *G. W. Hope, Esq.*, to *T. C. Harington, Esq.*

Sir,

Downing-street, 12 July 1845.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 11th instant, and to acquaint you, that he has this day transmitted to Viscount Ingestre the extracts to which that letter refers.

I have, &c.

(signed) *G. W. Hope.*

—No. 8.—

COPY of a LETTER from Lord *Stanley* to Viscount *Ingestre*.

My Lord,

Downing-street, 12 July 1845.

IN fulfilment of the engagement into which I entered with your Lordship and with the other gentlemen who did me the honour to wait upon me in St. James's-square, on the 4th instant, as a deputation from the Directors of the New Zealand Company, I transmit to your Lordship the accompanying extracts from my recent despatch to Governor Grey; they are the passages which I read to the deputation, or of which I stated the substance to them.

I have, &c.

(signed) *Stanley.*

27 June 1845.
For Lord Stanley's
Despatch to
Governor Grey,
vide p. 7.

NEW ZEALAND.

COPY of all CORRESPONDENCE that has passed between Her Majesty's Government and the NEW ZEALAND COMPANY, between the 19th day of June and the 6th day of July 1845.

(*Mr. Charles Buller.*)

Ordered, by The House of Commons, to be Printed,
15 July 1845.

517.—I.

Under 2 oz.

NEW ZEALAND.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 8 August 1845 :—for,

“ COPY of a LETTER from Lord *Ingestre* to Lord *Stanley*, of the 24th day of July,
and of the Reply, relative to the Affairs of the NEW ZEALAND COMPANY.”

Colonial Office, Downing-street, }
9 August 1845.

G. W. HOPE.

Ordered, by The House of Commons, to be Printed, 9 August 1845.

— No. 1.—

COPY of a LETTER from Lord *Ingestre* to Lord *Stanley*.

My Lord,

New Zealand House, 24 July 1845.

No. 1.

THE assurances recently given of the desire of Her Majesty's Government to do whatever they can, consistently with their sense of duty, for co-operating with the directors of this Company in a settlement of the affairs of New Zealand, have induced us to think that no time should be lost on our part in bringing before your Lordship some specific suggestions for a practical arrangement. Without abandoning our own views of the true policy to be adopted, we think that the only course that is likely, at the present moment, to lead to a practical result, is to base our suggestions on the principles which we understand to have been laid down by your Lordship.

Lord *Ingestre* to
Lord *Stanley*,
24 July 1845.

The points which it is of most immediate importance to settle are those of the institutions by which New Zealand is to be governed, and the titles to land.

We do not mean to say that the instructions, with respect to the former point, preclude the giving the people of the various settlements a real power of governing themselves.

Admitting this, we complain that the instructions of June 27 are not sufficiently full and precise. It will be seen that their merely not precluding the doing what is right is not sufficient to assure us that the colonists will have that good government which is the *sine quâ non* of all attempts to remedy the present disorder. To dispel apprehensions, and to set things right, it would be necessary to have positive and explicit instructions, of which the effect would be obvious and certain.

Vide New Zealand
Papers, Ordered
by The House of
Commons to be
printed, 15 July
1845, No. 517—1.
page 7.

It would not be difficult to do this.

We are desirous of the establishment of municipal bodies at each of the settlements. What we object to in the instructions is, first, that they do not specify sufficiently large powers for the municipal bodies. We want, at any rate, that those powers should be large enough to give the municipalities the making of all arrangements necessary for police, the administration of justice, the militia, and the imposition and expenditure of all taxes, except those of customs. We would of course leave to the general legislature of the colony a supreme and controlling authority. It appears to us that the best plan would be, that for the present, in every settlement containing 1,000 inhabitants, there should be a Council, having powers to make any laws not extending to life or limb, subject to the authority of the Legislative Council of the colony.

The municipal districts might include a considerable rural district about each town, and fortunately the natives, in the immediate neighbourhood of the towns are so few, that their presence need create no difficulty. Within the limits of the settlement, let all qualified natives vote like others.

We will not now dispute the force of the objections which have been urged to a representative assembly for the whole of New Zealand, but we want the Council to have more of a representative character than it has at present.

For this purpose we should be quite content if the instructions were specifically to direct the Governor to constitute the Council of himself, three nominees, and one delegate from each municipality.

With respect to the land titles :

With respect to those lands for which the Company have awards, the only alteration we want, in your Lordship's instructions of the 6th of July, is that the Government should put an end to the only doubt that would remain, by

Ditto, page 8.

undertaking itself to compensate the natives, and secure their assent. These lands would then be the Company's unconditionally, the Government subjecting itself to a condition which no man can doubt that it would easily fulfil.

As regards the residue of the lands claimed by this Company, but not awarded by Mr. Spain, it is quite clear that a conditional title is utterly valueless now. We would propose that, in the first place, the Government should undertake to give the Company an unconditional title to any lands selected by it in the Middle Island; to which the treaty has been admitted not to extend, and where in truth there are hardly any resident natives.

We would propose that, in the next place, the Government should make the Company unconditional grants of the 150,000 acres at Wairarapa, for which it appears that Captain FitzRoy has actually contracted with the Company, the Government undertaking to settle the compensation to the natives, as in the case of the awarded lands.

This would give the Company a sufficiency of land for colonising operations for some considerable time.

With respect to any further lands which the Company might wish to select, under Mr. Pennington's award, in the Northern Island, let it have the option of either waiting until the Government has acquired land to fulfil its engagements to us, or let the Government undertake, on the Company's demand, at any time within five years, to make them an absolute grant of its own pre-emptive right, thereby not interfering with native property, but simply putting the Company in the position of being the sole possible purchaser of such lands from the natives.

The effect of this arrangement would be, that the Company would get at once the awarded lands about the Company's present settlements,

which indeed would be got not for the Company so	Acres.
much as the settlers - - - - -	355,000
At Otago, as secured to us by the instructions of July 6th	150,000
At Wairarapa - - - - -	150,000
	<hr/>
TOTAL Acres - - -	655,000

On the rough estimate which we have been in the habit of making of the Company's total claims at 1,200,000 acres, there would then remain something like 550,000 acres. Of these, of any portion that the Company might choose to select in the Middle Island, the Government should forthwith make them an absolute grant. With respect to any portion the Company might choose to select in the Northern Island, it would be entitled, either to an immediate grant of the pre-emptive right, or would be at liberty to postpone the selection until the Government should have acquired the lands which it might desire.

There is another point of great importance in your Lordship's instructions, which appears to us to require reconsideration.

We understand, from your Lordship's instructions to Governor Grey, that it is intended to allow all parties to continue to buy land directly from the natives, paying to the Government the fee of 10s. an acre; and that all actual purchases under Governor FitzRoy's Proclamation, reducing the fee to 1d. an acre, are to be sanctioned. But this arrangement, in both instances, appears to us to be inconsistent with justice to the parties who have purchased from the Crown at the minimum price of 1l. an acre, and no less to the Company. The real equity in all these cases would be to grant all these purchasers an acre for every 1l. paid, including the payments to the natives, together with the 10s., or the 1d. paid to the Government; and it should be peremptorily declared that henceforth no native should sell to any one but the Government.

These are the principal points to which we are now desirous of directing your Lordship's attention. Should these suggestions afford means for a practical solution of them, as we sincerely hope they may, there would then be such an opening for the renewal of our colonising operations, that we have little doubt that your Lordship and your colleagues would not be unwilling to remove the only obstacle that would remain, by advancing such a loan as would be necessary to enable us to act.

I have, &c.
(signed) *Ingestre.*

— No. 2. —

Copy of a LETTER from *G. W. Hope, Esq.* to Lord *Ingestre*.

My Lord,

Downing-street, 7 August 1845.

No. 2.
G. W. Hope, Esq.
 to Lord *Ingestre*,
 7 August 1845.

I AM directed by Lord Stanley to state to your Lordship, for the information of the New Zealand Company, that his Lordship has carefully considered your letter of the 24th ultimo, and the suggestions which it contains, and that although he does not feel himself able, consistently with the principles to which you advert as having been laid down by him, and upon which your suggestions are intended to be based, fully to acquiesce in those suggestions, Lord Stanley trusts, nevertheless, that in the arrangements which he now proposes, the New Zealand Company will recognise the sincere wish of himself and Her Majesty's Government to go as far as their duty will permit towards diminishing or remedying the difficulties under which the New Zealand Company, and those who have emigrated under their auspices, are now labouring.

Addressing myself, in the first place, to that portion of your letter which relates to the land titles, I am to observe, that although Lord Stanley has already stated that he cannot on any account agree to guarantee to put the Company (forcibly, if necessary) in possession of lands owned by others, or to compel the original possessors to surrender their acknowledged property, his Lordship wishes it to be understood, that with respect to the lands awarded by Commissioner Spain, whenever these awards are such as the Commissioner has delivered in his judicial character, by virtue of his powers under the Land Claims' Ordinance, and are duly completed, or whenever they are such as he has delivered as an arbitrator, whose adjudication had been authorised by the representatives of both parties, Lord Stanley conceives that possession of the land included in such award or arbitration should be given to the Company.

This is the utmost limit to which Lord Stanley could sanction compulsory proceedings against the natives, and whatever is beyond that limit must be effected by their consent and acquiescence, in obtaining which, however, the Company may rely on the cordial assistance of the Government.

It would have been satisfactory to Lord Stanley, if the information before him had enabled him to point out the effect of the application of the above principles to the several land purchasers of the Company which have been recently under discussion.

In the absence, however, of the full and authentic details which would be required for that purpose, Lord Stanley will instruct the Governor to proceed, in conformity with these principles, according as they shall be applicable to the several cases before him, and when the circumstances are such that the acquiescence or consent of the natives is necessary to enable the New Zealand Company to obtain possession of the lands comprised in these purchases, the Governor will aid and co-operate with the Company's agent in bringing to a prompt and satisfactory conclusion the negotiations with the natives for the purchase or extinction of their rights.

Lord Stanley is also gratified to perceive, from subsequent information as to the views of the Company, that it may be in his power to confer upon them some further definite advantages in reference to their proposed settlements at Otago and Wairarapa.

With respect to the proposed settlement at Otago, Lord Stanley will at once instruct the Governor to make to the Company an unconditional grant of the 400,000 acres, purchased at Otago, excluding, of course, the land reserved to the natives; the Company engaging, within a limited period, to select the 150,000 acres proposed, and also such further quantity thereof as they may desire, and to re-convey the remainder to the Crown.

With respect to the purchase in the Wairarapa Valley, which is at present limited to 150,000 acres, Lord Stanley consents to the extension of that limit to 300,000 acres; and Lord Stanley will direct the Governor to use his best exertions for securing the immediate consent of the natives to their removal from the land which may then be selected.

I am further to remark, that as respects the arrangements with regard to the purchase in the Wairarapa Valley, sanctioned by Captain FitzRoy, Lord Stanley has in his despatch to Captain FitzRoy, of the 30th of November 1844, pointed out the objections which he entertained to the entire removal of all restriction as to figure and continuity of blocks, which had been conceded to

Vide Papers ordered by the House of Commons to be printed, 14 March 1845, No. 131, p. 49.

the Company as to the 150,000 acres to be selected in the Wairarapa Valley, and as to a further quantity of 250,000 acres, to be selected elsewhere, within the limits of the Company's district.

Lord Stanley stated in that despatch that he did not intend on that account to disallow the agreement entered into by Captain FitzRoy with the Company; but his Lordship instructed Captain FitzRoy that in the case of any similar accommodation being offered to the Company, such conditions should be attached to the waiver of the Crown's right of pre-emption, as should be sufficient to protect the interests of the Crown and of the public from the evils which possibly might result from an injurious exercise of the right of selection.

Lord Stanley is led to believe that the Company are not unwilling to consent to some limit being now placed on their right of selection in the lands in Wairarapa Valley, and that the Company will undertake to make their selection in the Wairarapa Valley in one continuous block, or in as small a number of blocks as circumstances will permit, and that no such block shall contain less than 20,000 acres.

Lord Stanley trusts that, under the arrangements at Otago and Wairarapa, the Company will soon find themselves in possession of as large an amount of available land as they will be likely for some time to require; but with a view still further to increase the facilities of the Company to acquire land, Lord Stanley is prepared to adopt the suggestion in your letter, that the Company should be entitled to an immediate grant of the pre-emptive right of the Crown for a limited period in the land comprised in those portions of the Northern and Middle Island, usually termed the Company's districts, as originally defined in the arrangement with Lord John Russell, with liberty however to postpone during that period their selection. Lord Stanley conceives that the transfer of the pre-emptive rights of the Crown to the Company in the lands in question may tend greatly to facilitate the purchases from the natives; looking, nevertheless, to recent events in New Zealand, and to the possibility that the natives may feel an increased unwillingness to part with their possessions and rights, and may demand a larger price or compensation; having regard, likewise, to the fact that the land thus purchased from the natives will go in satisfaction of the amount of land claimed by the New Zealand Company in respect of their expenditure, Lord Stanley will waive in the Company's favour any doubts which he may himself entertain as to their strict right to a reimbursement in land at the rate of 5 s. per acre of the moneys they shall advance in buying up the natives' claims in any land which the Company may select, subject to the limitation that the Company's agent and the Governor, or other proper officer of the Government, shall concur in the reasonableness of the terms of such purchase.

It has been communicated to Lord Stanley that the Company are desirous that measures should be taken for examining into the native title in the Middle Island, and for distinguishing on a map, lands which are respectively subject or not subject to native claim. Upon this point I am directed to state to you that Lord Stanley has already pressed on Governor Grey's attention the necessity of ascertaining and registering native titles within a limited period; and, if desired by the Company, his Lordship will further especially point out to him the expediency of commencing with as little delay as possible the necessary measures for this purpose in the Middle Island, in the first instance, where the scantiness of the population will render the task comparatively easy, and subsequently in the Company's districts in the Northern Island; and his Lordship will also direct that such a map as you have suggested shall be prepared.

I am further to advert to the desire expressed by the Company in your letter that it should be peremptorily declared that no native shall sell land to any one but the Government, and that as to the purchases which may have been made under Captain FitzRoy's proclamation, the purchasers should only be entitled to an acre for every 1 l. paid, including the payments to the natives, together with the 10 s., or the 1 d. paid to the Government, and I am to state that Lord Stanley cannot disturb the purchases which may already have been made under the permissions above alluded to, and which are understood to be but few in number; and that with regard to the proclamation in question, Lord Stanley has addressed a further communication to Captain Grey, which in connexion with the instructions already given, and having regard also to the grant of the Crown's right of pre-emption to the Company in their own district, will be found sufficient to remove the apprehensions of the Company on this subject.

I have

I have not hitherto adverted to the extent of the period which the Company are to be allowed for the selection of their land.

Upon this point I am to observe that Lord Stanley considers it of importance that the Company shall finally select their land with the least possible delay, and his Lordship understands that the Company concur in the expediency of this course.

With a view, therefore, to facilitate this object, Lord Stanley would (if the Company were to desire it), despatch forthwith to the colony a properly qualified person, whose duty it should be to give his best assistance to the Company in their selection of land, to aid in surveying the exterior boundaries of such selections, and to judge of the reasonableness of the terms of any purchase which the Company may make from the natives, with reference to the Company's right to reimbursement in land in respect of moneys paid for such purchase.

As a further means of avoiding delay in the final adjustment of the Company's claims to land, and with a view to give the Company the advantage which may result from their having a definite knowledge of the extent of their resources, Lord Stanley is prepared to entertain any proposal on the part of the Company for simplifying the investigation of the amount of land to which they are entitled; and for the recognition without further delay of the right of the Company to a gross total quantity of land in respect of their expenditure up to the present time.

Having thus expressed to you Lord Stanley's views on that part of your communication which relates to the land titles of the Company, I am to address you on the other important subject of your letter; viz., the legislative and municipal institutions to be established in New Zealand.

Upon these points I am to observe that Lord Stanley recognises in the peculiar circumstances of the settlements formed in New Zealand, sufficient grounds for giving to each settlement a full measure of municipal authority, as well as respects the police and police regulations, as also with respect to the administration of justice, and to the imposition and expenditure of the taxation necessary for the local affairs of such settlement.

With respect to the militia, the arrangements for which you suggest as proper to be left to the municipalities, I am to enclose for your information an ordinance recently passed in the colony on that subject.

With regard to the constitution of the general Legislature of New Zealand, as the Company are aware of the objections which exist to a representative assembly, it is unnecessary to enter upon them.

I am to state, however, that Lord Stanley acquiesces in the view of the Company, that the Council should have more of a representative character than at present, and Lord Stanley will not object to giving such instructions to the Governor as may secure the presence in the Legislative Council of a limited number of persons delegated from the respective municipalities, though not to such an extent as to give an absolute majority to such delegated portion of the Council.

I am to add, that the constitution and powers of the proposed municipal bodies, and of the districts which they are to superintend, the mode in which delegates to the Council should be selected, the organisation and functions of the Council itself, are subjects which will require much careful deliberation, and upon which Lord Stanley cannot form a definitive opinion until there shall have been ample time for preparing and considering the details requisite for arrangements of this nature.

I have, &c.

(signed) *G. W. Hope.*

Enclosure 1, in No. 2.

(No. 22.)

Copy of a DESPATCH from Governor *FitzRoy* to Lord Stanley.

My Lord,

I HAVE the honour of forwarding to your Lordship a Militia Ordinance, and I have to request that Her Majesty's pleasure respecting the confirmation of this Ordinance may be made known as early as convenient.

661.

A 3

Your

Auckland, 26 March 1845.

Encl. 1, in No. 2.
Governor *FitzRoy*
to Lord Stanley,
26 March 1845.

No. 1. Seas. 5.
In Capt. *FitzRoy's*
Despatch, 26 Mar.
1845, No. 22.
Lord Stanley to
Mr. Grey, 23 July,
No. 11, in reply.

Your Lordship is aware that a Militia Bill was laid before the Legislative Council of this colony in September last, and that, after discussion, its further consideration was postponed for six months.

The enclosed Ordinance was passed unanimously, and will forthwith be brought into operation.

I have, &c.

(signed) *Robert FitzRoy,*
Governor.

Enclosure 2, in No. 2.

MILITIA ORDINANCE.

Encl. 2, in No. 2.	In the Eighth Year of the reign of Her Majesty Queen VICTORIA, Session V., No. 1.
Title.	An ORDINANCE for raising a Militia within the Colony. (Passed the 25th day of March 1846.)
Preamble.	WHEREAS it is expedient that the European population of New Zealand should be trained to the use of arms so as to form an effective military force, for the defence of the lives and property of Her Majesty's subjects within the colony: Be it therefore Enacted, by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:
Power to Governor to call together Militia.	1. It shall be lawful for his Excellency the Governor to call together, arm and array as a militia, such persons as are hereinafter mentioned, and cause them to be trained and exercised accordingly, at such times and places as shall seem meet, for any number of days not exceeding 28 days in any one year.
And appoint Officers.	2. It shall also be lawful for his Excellency the Governor to appoint a proper number of officers to train, discipline and command the persons to be so armed and arrayed according to the regulations to be from time to time made in that behalf; and also to appoint one proper person, who shall have served in some of the Queen's regular forces, to be adjutant to such regiment, or body of militia, which may be raised in any settlement within the colony, who shall be paid any sum not exceeding eight shillings per diem.
And to regulate the formation of the Militia.	3. It shall also be lawful for his Excellency the Governor to cause the militia to be formed and regulated in such manner as to his Excellency shall seem meet, in regard to the number of regiments, battalions or other bodies, and the number of men of which each respectively shall consist.
And to erect and constitute Courts Martial.	4. It shall also be lawful for his Excellency the Governor to erect and constitute courts martial, as well as to grant his commission or warrant to the officer commanding, for the time being, any body of such militia, such officer not being below the degree of a field officer, to convene courts martial as occasion may require for the trial of offences committed by the forces under his command, whether the same shall have been committed before or after such officer shall have taken upon himself such command.
And to make regulations for Training, &c.	5. It shall also be lawful for his Excellency the Governor, from time to time, to make such regulations respecting the training and exercise, arms and accoutrements, clothing and equipment of such militia, and respecting all other matters connected therewith as may be required for promoting the efficiency of such militia as a military force: Provided always, That the regulations so to be made shall not in anywise be repugnant to the provisions of this Ordinance.
And to call Militia into actual service.	6. In all cases of actual invasion, or upon imminent danger thereof, and in all cases of rebellion or insurrection, or upon any imminent danger to the safety of any settlement, it shall be lawful for his Excellency the Governor, or other the principal civil authority there present in any settlement in which a militia shall have been raised, to direct the officer commanding the militia of such settlement with all convenient speed to draw out such militia force, or such part thereof as the Governor or such civil authority shall judge necessary, and in such manner as shall be best adapted to the circumstances of the danger, and to lead the said forces into any part of the district in which such militia shall have been raised: Provided always, That neither the whole nor any part of the militia to be raised in any settlement within the colony shall on any account be carried or ordered to go beyond the distance of 25 miles from the police office of the district in which such militia shall be raised.
Who liable to serve as Militiamen.	7. Every man, except as hereinafter excepted, between the ages of 18 years and 60 years, being a British subject, and not, an aboriginal native, who shall reside within the colony, shall be liable to serve in such militia; provided that the Judges of the Supreme Court, all members of the Legislative Council, all clergymen, priests, ministers of religion, and catechists, shall be exempt from serving in any such militia.
Magistrates to form Militia List.	8. The police magistrate of every district or county which shall contain a European population of one thousand souls, or upwards, shall, as soon as conveniently may be after the passing of this Ordinance, and in the month of March in every succeeding year, call a special meeting of the Justices of the Peace residing within 25 miles of the police office, for the purpose of forming a militia list. The Justices at such meeting (any two being a quorum) shall prepare a list, in alphabetical order, of all men residing within such limits, as aforesaid, who shall be liable under the provisions of this Ordinance, to serve as militiamen—setting forth the christian and surname of each at full length, together with his place of abode, calling or business. The police magistrate shall forthwith cause copies thereof to be affixed on

on the principal door of the police office, and in such other conspicuous places throughout the district as to him shall seem meet; and to such list and copies thereof shall subjoin a notice that all objections thereto will be heard and determined by such Justices at any time within ten days after the date of such notice.

9. Such Justices shall have power, after hearing such objections, to strike out of the said list the names of all persons who shall not be liable to serve as militiamen, and also of such as are afflicted by lunacy or unsoundness of mind, or deafness, blindness, lameness, or by any other disorder that may render them unfit for active service in any such militia, and also from time to time to add such names as may have been accidentally or improperly omitted.

Justices to correct List.

10. A copy of the list so corrected by the said Justices shall be transmitted by them forthwith to the principal civil authority of the county or district.

Copy of List to be sent to principal civil authority of the Settlement. Notice of time and place of Training to be given.

11. Notice of the times and places to be from time to time fixed by his Excellency the Governor for training and exercise, shall be posted at the door of the police office, and other conspicuous places within the district, 14 clear days at least before the time to be so appointed as aforesaid, which shall be deemed sufficient notice to every militiaman, and all such militiamen shall duly attend accordingly.

Penalty for not appearing.

12. Every militiaman (not labouring under any infirmity incapacitating him) who shall not appear at the time and place appointed for his being exercised, (notice having been given as by this Ordinance required,) shall forfeit and pay any sum not exceeding 20 £., to be recovered in a summary way.

13. Every militiaman who, having joined the regiment or body to which he belongs, shall desert or absent himself during the time of any such exercise, shall forfeit and pay any sum not exceeding 20 £., to be recovered in a summary way.

Penalty for not attending.

14. When the whole or any part of such militia shall be ordered out into actual service as aforesaid, the person to whom such order shall be directed shall forthwith cause notice in writing to be given to the several militiamen, or left at their usual places of abode, to attend at the time and place mentioned in such order.

Notice to be given to Militiamen when called into actual service.

15. If any militiaman so directed to be drawn out (not labouring under any infirmity incapacitating him to serve as a militiaman) shall not appear and march in pursuance of such direction, every such militiaman shall be liable to be apprehended and punished as a deserter according to the provisions of any Act then in force for punishing mutiny and desertion, and for the better payment of the army and their quarters, and of the articles of war made in pursuance of the same.

Penalty for not joining.

16. If any person knowingly shall harbour or conceal any such militiaman when directed so to be drawn out, he shall for every such offence forfeit and pay any sum not exceeding 20 £., to be recovered in a summary way.

Penalty for concealing Militiamen.

17. Every militiaman who shall appear at the time and place appointed for exercise, shall take an oath or make a solemn affirmation in the form following, viz.,

Oath to be taken.

I, A. B. do sincerely promise and swear [or do solemnly and sincerely declare], that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and that I will faithfully serve in the militia in any part of this district until I shall be lawfully discharged.

And shall thereupon be enrolled. The aforesaid oath or affirmation shall be taken or made in the presence of the senior officer of militia then present, who is hereby authorized to administer the same; provided that if any militiaman shall refuse to take such oath or to make such affirmation, he shall forfeit and pay any sum not exceeding 20 £., to be recovered in a summary way.

18. If any militiaman shall sell, pawn or lose any of his arms, clothes, accoutrements or ammunition, or neglect or refuse to return the same in good order to his captain or to the person appointed to receive the same; or if any person shall knowingly and wilfully buy, take in exchange, conceal or otherwise receive any militia arms, clothes, accoutrements or ammunition whatever, delivered for the militia, every such offender shall forfeit and pay for every such offence any sum not exceeding 10 £., to be recovered in a summary way.

Penalty for selling or receiving Arms, &c.

19. During the time at which any such militia shall be assembled for the purpose of being trained and exercised or for actual service, all things contained in any Act of Parliament which shall then be in force for punishing mutiny and desertion, and for the better payment of the army and their quarters, and in the articles of war made in pursuance of such Act, shall be in force with respect to such militia, and to all the officers, non-commissioned officers, drummers and privates of the same, in all cases whatsoever, but so that no punishment shall extend to life or limb.

Militia to be subject to Articles of War, &c.

20. It shall be lawful for any officer commanding and present with any detachment or division of militia called out to exercise or on actual service, not being under the rank of captain, to order, when he shall think it necessary, a regimental court martial to be held for the trial of any offence committed by any sergeant, corporal, drummer or private, under and during his command; and if a sufficient number of officers shall not be present to constitute such court martial, it shall be lawful for the commanding officer of the regiment to which any such detachment or division shall belong, upon application made to him by the officer commanding such detachment or division for that purpose, to order a sufficient number of officers of proper rank to attend for the purpose of assisting at such court martial, who shall forthwith attend the same, and assist as members thereof.

Regimental Courts Martial.

21. The sentence of every such court martial shall in every case be submitted to the commandant of the regiment to which such detachment or division shall belong, (or in his absence

Sentence to be submitted to Commandant.

absence from the district, to the senior field officer of the same), for his approval thereof, who shall cause such sentence to be put in execution, mitigated or remitted, as he shall in his discretion think best for the service.

Robert FitzRoy, Governor.

Passed the Legislative Council }
this 25th day of March, A.D. 1845. }

J. Coates, Clerk of Councils.

Enclosure 3, in No. 2.

Encl. 3, in No. 2. (No. 11.)

COPY of a DESPATCH from Lord Stanley to George Grey, Esq.

Lord Stanley to
Geo. Grey, Esq.
23 July 1845.

8 Vict. No. 1.

Sir,

Downing-street, 23 July 1845.

I HAVE received and have laid before the Queen, Captain FitzRoy's Despatch, No. 22, of the 26th of March last, enclosing a copy of an Ordinance passed by him, with the advice and consent of the Legislative Council of New Zealand, on the 25th March 1845, intituled, "An Ordinance for raising a Militia within the Colony."

I have received the Queen's commands to acquaint you, that Her Majesty has been pleased to confirm and allow that Ordinance, and you will communicate Her Majesty's decision to the inhabitants of the colony of New Zealand by a proclamation to be published in the usual and most authentic manner.

At the same time I must observe that, probably owing to the urgency of the circumstances under which the present Act was prepared, it appears to me to be in many respects defective, and I have to call your attention to the enclosed copies of Acts of the same nature which have been passed by the respective Legislatures of Jamaica and Barbadoes. Those Acts may suggest some points which would appear to have been overlooked in the Act now under consideration, and which might advantageously be introduced in amendment of it.

Jamaica Act, c. 64;
29 Feb. 1844.
Barbadoes Act,
c. 6; 13 Aug. 1839.

I have, &c.

(signed) *Stanley.*

— No. 3. —

COPY of a LETTER from G. F. Young, Esq. to Lord Stanley.

No. 3.
G. F. Young, Esq.
to Lord Stanley,
8 August 1845.

My Lord,

New Zealand House, 8 August 1845.

ON the part of the Court of Directors of the New Zealand Company, I have the honour to acknowledge the receipt of your Lordship's reply of yesterday's date to the letter addressed to you by Lord Ingestre on the 24th ult.

In that letter, after expressly guarding ourselves against any supposition that we had abandoned the views we have so frequently expressed as to the true policy to be adopted in reference to New Zealand, we submitted as the best practical course, under existing circumstances, certain suggestions affecting the future institutions of the colony and the titles to land, based on the principles which we understood to have been laid down by your Lordship. These suggestions have been discussed in repeated interviews between the Colonial Department and a deputation of our directors, and the letter with which we are now favoured is of course received as a communication of your Lordship's views as the result of those discussions.

From the principle on which our propositions were founded, and the moderation with which we had endeavoured to frame them, we had undoubtedly indulged a hope that they would at once have received the unqualified sanction of your Lordship. It is consequently not without disappointment that we perceive the important modifications introduced into some of our suggestions, and the more so as we feel ourselves thereby precluded from that expression of entire satisfaction which it would have been doubly gratifying to us to have been enabled to offer from the frank cordiality which has marked the recent personal discussions, and the considerate tone of your Lordship's present communication.

Following the order in which the questions therein adverted to are treated, we accept with satisfaction the assurance of your Lordship as to the instructions to be given to the Governor of New Zealand, for putting the Company in possession

session of titles to such of their lands as have been awarded by Mr. Commissioner Spain in his judicial character, or as an authorised arbitrator, and for aiding and co-operating with the Company's agent, for bringing to a prompt conclusion the negotiation with the natives, for the purchase or extinction of their rights.

As tending to obviate delay in the resumption of our colonising operations, if enabled to do so by the pecuniary aid of the Government, the immediate grant of the whole 400,000 acres at Otago, subject to the future reconveyance to the Crown of any portion unselected by the Company, is an important and a valuable arrangement, for the concession of which we feel our acknowledgments to be due, as also for the permission for extension of our purchases in the Wairarapa Valley.

With respect to the removal of restriction as to figure and continuity of blocks, adverted to in the succeeding paragraph, we consent to the limitation suggested by your Lordship on our selections in Wairarapa Valley, and agree that they shall either be continuous or in as small a number of blocks as circumstances will permit, and that no such block shall contain less than 20,000 acres. We did not advert to the form of blocks, conceiving that point to have been conceded as to all selections on the recorded testimony of the impracticability of its application in such a country as New Zealand, and we calculate confidently on your Lordship's confirmation of this impression, from the obvious tendency of the maintenance of such a regulation to produce future and useless differences.

Your Lordship's consent to grant immediately to the Company, for a limited period, the pre-emptive right of the Crown in the lands comprised within those portions of the Northern and Middle Islands, usually known as the Company's districts, coupled with the arrangements respecting Wairarapa and Otago, appears to offer a reasonable prospect of the Company soon finding themselves in possession of as large an amount of available land as they will be likely, for some time, to require; and gratified at the determination intimated by your Lordship to waive, in the Company's favour, any doubt you may have entertained of their right to reimbursement in land, at the rate of 5 s. per acre, of the moneys they may advance in buying up native claims; we readily consent to the limitation suggested by your Lordship, that the Governor, or proper officer of the Government, shall concur in the reasonableness of the terms of such purchase.

On the next point it is necessary that we should trouble your Lordship with a word of explanation.

The desire that measures should be taken for examining into the native titles in the Middle Island did not, we believe, originate with the Company, as your Lordship appears to suppose. By reference to Lord Ingestre's letter it will be perceived that the proposition of the Company was, that an unconditional grant should be made of any lands selected by them in the Middle Island, on the ground that the treaty of Waitangi was admitted not to extend to that island; when, as a substitute for this course, the adoption of that already pressed on Governor Grey's attention, of ascertaining and registering native titles, was named as calculated to facilitate the Company's acquisition of lands, the deputation concurred in that arrangement, and expressed a wish that it might be commenced in the Middle Island, where, from the scantiness of the population, and the lands being generally unappropriated, it appeared to them to be least open to objection.

With regard to the withdrawal of the proclamations permitting purchases from the natives on payment of 10 s., or 1 d. per acre, and the peremptory prohibition of such purchases in future, after the opinions stated to us in the recent conferences, we cannot with propriety persist in our request. But we are still unable to dismiss all apprehension of injurious consequences from such purchases being sanctioned, although we feel that, in the existing state of relations between your Lordship and the Company, it would be ungracious in us further to press our objections; it only therefore remains for us to express our hope that the anticipations of your Lordship may be realised, and that the further communications addressed to Captain Grey, in connexion with the other circumstances referred to by your Lordship, may prove sufficient for the removal of all cause of apprehension.

In the importance attached by your Lordship to the earliest possible selection of their lands by the Company, our interests are entirely concurrent with your Lordship's wishes, and we shall consider it our duty to do all in our power to expedite an object so desirable. That this may be materially facilitated by the

despatch of a properly qualified person to assist in the selection and purchase of land from the natives, cannot admit of a doubt; and, confiding in the selection of an individual of character and station commensurate with the importance of the trust, and unconnected with all party, we hail the proposition both as a measure of great practical utility, and a pledge of that cordiality of operation which, for the sake of the public interest, we most earnestly desire.

On the subject of a final adjustment of the Company's claims to land, we recognise in your Lordship's intimation of readiness to entertain any proposal on the part of the Company for simplifying the investigation of our claim, and settling without further delay the gross total quantity of land to which we are entitled in respect of our expenditure, a valuable suggestion for the avoidance of future controversy, and we meet it accordingly by an immediate communication of our views. But as the question not only involves many details, but is also unavoidably connected with other claims, irrespective of those directly consequent on expenditure, we have thought it right to embody them in a separate letter of this date, to which we beg to refer your Lordship.

We are now brought to the consideration of the remaining portion of your Lordship's communication, that which refers to the legislative and municipal institutions to be established in New Zealand.

With respect to municipal institutions, we are fully aware that there is a difficulty in at present defining with precision the extent of authority to be confided to the municipalities; but from the tenor of your Lordship's sentiments, and the expressions of Sir Robert Peel, when referring to this subject in the House of Commons, we are induced to believe that it is the intention of your Lordship to grant to those bodies powers equal or analogous to those described in our letter of the 24th ultimo.

As to the militia, however, on which point your Lordship refers us to the ordinance recently passed in the colony, it is right that we should urge on your consideration that the provisions of that ordinance are not sufficient either to satisfy the expectations of the colonists, or to meet what we conceive to be your Lordship's intentions. The powers conveyed by that enactment are permissive only. It is not sufficient that the Governor should have authority to embody a militia. It is indispensable that each of the municipalities should be invested with a right to demand the enrolment, subject to the general regulations of the Militia Act. This will be especially the case at Otago, where, in consequence of the intimation that no military force can be promised for the protection of settlers, none would proceed unless assured of permission to organize themselves as a military body for their own defence.

On the last point adverted to by your Lordship, that of imparting to the Legislative Council a more representative character than at present, it cannot be denied that in the admission therein of representatives delegated by the respective municipalities, the great principle is conceded. But it must be equally obvious that for all purposes of practical utility the concession must be nugatory, so long as its operation is limited by the condition that the representative portion of the Council is not in any case to constitute a majority. This restriction we understood in the conferences was to have been declared as temporary only, and the words "at present," which it was suggested should be introduced, have probably been accidentally omitted. It cannot, however, under the force of public opinion, be of long continuance, and we have only to hope that the prudence and intelligence of the municipal representatives may speedily prove that the true course of the Executive Government of a British colony is so to mould its policy in harmony with the popular convictions as to render unnecessary those inconsistent precautions which would seek to reconcile the semblance of popular representation with the actual exercise of absolute power.

We have now consecutively reviewed the various points brought under your Lordship's consideration in our application of the 24th ultimo, and referred to in your reply. We have commented on them with a freedom which we trust is not unbecoming our position, and which we have felt to be due to that of your Lordship. We hope we have been successful in the endeavour to avoid all controversial expressions, and if any of our remarks should seem to bear such a character, we beg your Lordship to believe that it has arisen solely from our desire to avoid future misunderstandings. We would fain hope that controversy between the Government and the Company has now ceased. We acknowledge the conciliatory spirit of your Lordship's letter, and we desire to reciprocate it.

Powerless

Powerless at present, through the pressure of financial difficulties, we tender with sincerity to your Lordship, when that pressure shall be removed (and without this, as we have already stated, all other arrangements must to us be nugatory), that which we believe it is in our power to afford, useful practical aid in the important but difficult task of colonising one of the most valuable possessions of the British Crown. In this interesting work we are actuated by no sordid views, and animated by no ambitious spirit. We seek only, in subordination to Her Majesty's Government, to act as instruments for advancing the well-being of the colonists and the prosperity of New Zealand, confident that we shall thus best promote the interests of our shareholders, which duty requires that we should not disregard.

I have, &c.

(signed) *George Fred. Young,*
Chairman.

NEW ZEALAND.

COPY of CORRESPONDENCE between the New
ZEALAND COMPANY and Lord Stanley, relative
to the Affairs of New ZEALAND.

(*Mr. George William Hope.*)

*Ordered, by The House of Commons, to be Printed,
9 August 1845.*

66i.

Under 2 oz.

NEW ZEALAND.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 18 March 1845;—for,

“ COPIES of the CORRESPONDENCE relating to the *Manakau New Zealand Company.*”

Colonial Office, Downing-street, }
18 April 1845.

G. W. HOPE.

Ordered, by The House of Commons, to be Printed, 22 April 1845.

(No. 30.)

COPY of a DESPATCH from Lord Stanley to Governor Fitzroy.

Sir,

Downing-street, 12 August 1844.

Lord Stanley to
Governor Fitzroy.
12 August 1844.

I TRANSMIT to you herewith copy of a letter which I have received from Messrs. Roy, Blunt & Co., relative to the settlement of the claims to land in New Zealand of the Manakau Company, and of the answer returned to it by my direction.

You will perceive that it is urged in the letter from the representatives of that company, that in consequence of the circumstance of the negotiation of their claims with the Government in this country not having been brought to a conclusion until the month of July 1843, they will possibly be precluded, from the delay which has occurred, from establishing their claims under the local Land Claims Act; and such, I think, would be the case, by reason of the limitation as to the period of submitting such claims to one year from the 9th of June 1841, imposed by the fifth section of the Act of that year.

In framing the Imperial Act 5 & 6 Vict. c. 36, providing for the sale of all Crown lands in the Australian colonies, it was foreseen, however, that cases might arise in which it might be just to give effect at a later date to promises or engagements made before the passing of the Act, and a provision to meet such cases was inserted in the 20th section of that Act. I consider the case of this Company to be one of those which fall within the provisions of that section, and you have therefore my authority to receive and investigate, in whatever manner you think most equitable, the claim which they advance, and in the event of their substantiating it according to the terms specified in the correspondence noted in the margin, to make to them the necessary Crown grants confirmatory of their title.

I have, &c.

(signed) Stanley.

No. 1.
Messrs. Roy, Blunt
& Co., 30 July
1844.

No. 2.
G. W. Hope, esq.,
12 August 1844.
Lord Stanley* to
Governor Hobson,
No. 93, 29 Dec.
1842.

No. 3.
Major Campbell,
10 June 1843.

No. 4.
G. W. Hope, esq.,
19 July 1843.

* For Lord Stanley's Despatch,
29 December 1842,
vide New Zealand
Committee Papers,
Session 1844, No.
556, p. 455

— No. 1. —

COPY of a LETTER from Messrs. Roy, Blunt & Co. to Lord Stanley.

My Lord,

37, Great George-street, 30 July 1844.

No. 1.
Messrs. Roy, Blunt
& Co. to Lord
Stanley.
30 July 1844.

IN the month of July 1843 the claims of the Manakau Company (which in the absence of Major Campbell we represent), to certain lands in New Zealand were, after a negotiation protracted through many years, brought to a satisfactory close, by your Lordship admitting this claim to certain amounts of land, in consideration of their proved expenditure here, and a further amount to be awarded to them on proof of this expenditure in the colony; the whole conditional on their proving a valid title before the Commissioners of Land Claims in the colony. Immediately on the close of their arrangement power of attorney and instructions were sent to Mr. Theophilus Heale, of Auckland, to act as the company's agent, and to proceed immediately about the necessary acts. It however unfortunately

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A

happened

happened, that just before the arrival of the documents Mr. Heale left New Zealand to return to this country; and although when he became aware (during a short stay he made at Sydney) of the duty that had devolved upon him, he endeavoured to supply his place by the appointment of a party to act for him, yet, as the labours and responsibility of the office are more onerous than a person slightly interested would be likely to undertake, the company are apprehensive that this business will not have been proceeded with.

Mr. Heale is now on the point of returning to New Zealand, and has undertaken the agency of the company; but as the company are aware that long before his arrival in New Zealand the Commissioners of Land Claims will have closed their labours in the northern and central districts of the island, they have deemed it necessary to lay the fact before your Lordship, trusting that as the delay that has occurred has been through no fault of theirs, your Lordship will not allow their affairs to be prejudiced by it, but will instruct the local government to cause this claim to be examined without any avoidable delay; and should the office of the Commissioners have ceased, that some arrangement may be made for the examination of their claim.

We have, &c.
(signed) *Roy, Blunt & Co.*

No. 2.

G. W. Hope, Esq.
to Messrs. Roy,
Blunt & Co.
12 August 1844.

— No. 2. —

COPY of a LETTER from *G. W. Hope, Esq.* to Messrs. *Roy, Blunt & Co.*

Gentlemen,

Downing-street, 12 August 1844.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 30th ultimo, relative to the settlement of the claims to land in New Zealand of the Manakau Company, in which you advert to the fact, that, during the absence from the colony of the accredited agent of the company, the Commissioners of Land Claims will have closed their labours in the northern and central districts of the island, and request that his Lordship will not allow their affairs to be prejudiced by that circumstance, but will instruct the local government to cause that claim to be examined without any avoidable delay; and should the office of the Commissioners have ceased, to make some arrangement for the examination of their claim.

In reply, I am directed to acquaint you, that in consideration of the circumstance that although the promise on which the claims of the company are founded was made in 1840, yet that the discussions respecting it were not brought to a conclusion with Her Majesty's Government in this country until the month of July 1843, and that a difficulty might arise in consequence of the 5th clause of the Local Land Claims Act of 1841, in adjudicating upon the claims of the company at so late a period, Lord Stanley will direct Governor Fitzroy to take measures for the investigation of this claim, under the provisions of the 20th section of the Act of the Imperial Parliament 5 & 6 Vict. c. 36.

I am, &c.
(signed) *Geo. Hope.*

No. 3.

Major Campbell to
Lord Stanley,
10 June 1843.

— No. 3. —

COPY of a LETTER from Major *Campbell* to Lord *Stanley*.

My Lord,

37, Great George-street, 10 June 1843.

REFERRING to a letter dated the 30th December, and to another dated the 19th January last, which I received from the Colonial Land and Emigration Office, copies of both of which I enclose, I am again compelled to trouble your Lordship on behalf of the association which I represent, with a view to our obtaining possession of the land awarded to the association by Mr. Pennington's Report, in a more advantageous manner both to ourselves and to emigrants than the method prescribed by the two letters alluded to.

By the first of these letters your Lordship will perceive that we are only entitled to possession of the land (the price of which we have paid at the rate of 5 s. an acre, by expending the same in emigration, as certified by Mr. Pennington,) on proving a valid title to the same in the colony.

With this condition annexed, we have found it impossible to make sales of any of our land, both by reason of the association not being willing to incur the liability

liability of making such sales until their title to the land shall have been established in the colony; and also, because we have found, in every instance where parties have applied to us to purchase, that they will not emigrate with a possibility of finding themselves, on their arrival in the colony, unable to obtain possession of their allotments of land.

Your Lordship will thus observe, that inasmuch as 18 months, and very probably a longer period, must elapse before we can receive the information in this country of the establishment of our title, we shall, until this uncertain period shall have arrived, be unable with any degree of safety to send out emigrants for our settlement, in fulfilment of our obligation.

I will now beg your Lordship's attention to the second letter received from the Colonial Land and Emigration Office, in which the association is informed that "the Governor of New Zealand is authorized to allow all persons who may have established their title to land in that colony the option of taking it in the unoccupied portions of the district in which Auckland is situate;" the size of the respective grants, however, to be regulated by the proportionate values which may have been established in the colony for town, suburban, and country allotments.

We are not possessed of any information by which to ascertain the extent of "the district in which Auckland is situate;" and unless that district include the settlement made by the emigrants whom we have already sent out, and which settlement is situate on the Bay of Manakau, we could not take the whole of our land within the Auckland district, and thus have to abandon our present settlement.

We apprehend that the benefit of the late arrangement made with the New Zealand Company by your Lordship will be extended to us, and that we shall be entitled to land from the Government in respect of our expenditure, as entered in the books of the Colonial Land and Emigration Office, without the necessity of our first proving our title in the colony to the same. Supposing this to be the case, I am instructed by the association which I represent to propose to your Lordship to allow us to have assignments made to us at once of the quantity of land, at the rate of 5 s. an acre (the price of which we have expended in emigration), from among the country allotments of the Auckland district, supposing our settlement to be included in such allotment; and if such be not the case, then that the possession of the land upon which our emigrants have been permitted to squat should be confirmed to us, and that we should have the option of choosing the remainder at the above price, either in the country allotment of the Auckland district, or from within the limits of the country to which we shall be enabled to prove a valid title.

I trust your Lordship will be induced to accede to this proposition upon consideration of the circumstances I have stated above, and that from the extensive connexion of the association we should have the means of immediately sending out emigrants, to a very considerable number, to our settlement in New Zealand, should we be enabled to assure them that the title to our land is unexceptionable.

I have, &c.

(signed) *John Campbell,*
Major Unattached.

Sir,

Colonial Land and Emigration Office,
Park-street, Westminster, 30 December 1842.

WITH reference to my letter of the 14th July last, relative to the mode in which the claims of the Manakau Company would have to be investigated, I am now directed by the Colonial Land and Emigration Commissioners to acquaint you that Mr. Pennington has reported that the company have proved their expenditure of the sum of 4,980 l. 19 s. 3 d., and thereby established their claim to 19,924 acres of land.

This award having been submitted to the Secretary of State, his Lordship has been pleased to direct the Board to inform you that he will instruct the Governor to make to the agents of the Manakau Company assignments of the abovenamed quantity of land; such assignments to be made from the actual lands to which the company may have been able to prove a valid title, subject to the same conditions as provided in the case of the New Zealand Company.

Major John Campbell,
&c. &c. &c.

I am, &c.
(signed) *S. Walcott,* Secretary.

COPY OF CORRESPONDENCE RELATIVE TO

Sir,

Colonial Land and Emigration Office,
9, Park-street, Westminster, 19 January 1843.

I AM directed by the Colonial Land and Emigration Commissioners to acquaint you, for the information of the Manakau Company, that they have received the directions of the Secretary of State to inform you that a despatch has been addressed to the Governor of New Zealand, authorizing him to allow all persons who may have established their titles to land in that colony the option of taking it in the unoccupied portions of the district in which Auckland is situated; the size of the respective grants, however, to be regulated by the proportionate values which may have been established in the colony for town, suburban, and country allotments.

Lord Stanley has directed this communication to be made to the association, in order that they may have an opportunity, should they desire to avail themselves of the proposed arrangement, of giving the necessary instructions to their agents in the colony upon the subject.

Major Campbell,
&c. &c. &c.I am, &c.
(signed) S. Walcott, Secretary.

— No. 4. —

COPY of a LETTER from G. W. Hope, Esq. to Major Campbell.

No. 4.
G. W. Hope, Esq.
to Major Campbell.
19 July 1843.

Sir,

Downing-street, 19 July 1843.

I AM directed by Lord Stanley to acknowledge the receipt of your letter of the 10th ultimo, on the subject of the settlement of the claims to land in New Zealand of the association styled the Manakau Company, which you represent.

You state that the association apprehend that the benefit of the late arrangements made with the New Zealand Company would be extended to them, and that they would be entitled to land from the Government in respect of their expenditure, as entered in the books of the Colonial Land and Emigration Office, without the necessity of their first proving their title in the colony to such lands. On that assumption you make certain proposals on behalf of the association, with a view to the adjustment of their titles.

In reply, I am directed to state, that the whole of the communications with the association have been founded on their statement, that they had formerly acquired a title to certain lands in New Zealand; and that whatever indulgence has since been accorded to them, such as allowing their emigration expenditure to reckon in addition to any sums which they may be able to prove in the colony to have been previously paid for their lands, has still proceeded upon the basis of their original statement. Lord Stanley cannot, therefore, consent to relieve the association from the necessity of proving a good title to lands in the colony. At the same time, Lord Stanley is aware of the inconvenience of delay in these cases, and has impressed upon Captain Fitzroy the importance of effecting an early settlement of land claims. And with a view to relieve the association as far as possible from any practical inconvenience, Lord Stanley, taking into consideration their proved outlay on emigration, will authorize Captain Fitzroy to assign them, in respect of it, such a quantity of land as he may be satisfied will fall quite within the amount to which they will be able ultimately to establish a title.

Lord Stanley also consents that the first assignment to be made to the Manakau Association should be made from those lands upon which the settlers of the association were placed under Governor Hobson's authority, such grant, however, to be conditional, purporting to convey only such title as the Crown may have the power to grant, without binding itself to indemnify the company in the event of any valid prior titles being established to the same land; and his Lordship further agrees that they should be allowed to take the lands so assigned at the general rate of 5 s. an acre, in conformity with the provisions of the agreement with the New Zealand Company of November 1840. With respect to any additional quantity of land to be assigned to the association, Lord Stanley has no objection to its being selected by them either from the tract to which they may prove that they have acquired a valid title from former possessors, or, at the discretion of the Governor, from any part of the Auckland district, in exchange for

for the lands claimable by them under their original title, in accordance with the principle of exchange laid down in Lord John Russell's despatch to Captain Hobson, No. 31, of the 22d of April 1841, provided that in both cases equally the selection at 5 s. an acre is only to be made from ordinary country lands, and not from such as may have been marked out by the Colonial Government for town and suburban allotments.

I am, &c.
(signed) *G. W. Hope.*

For Lord J. Russell's Despatch, 22 April 1841, No. 31, *vide* Correspondence relative to New Zealand, ordered by the House of Commons to be printed, 11 May 1841, No. 311, p. 138.

NEW ZEALAND.

**COPIES of the CORRESPONDENCE relating to the
*Manakau New Zealand Company.***

(*Mr. G. W. Hope.*)

**Ordered, by The House of Commons, to be Printed,
22 April 1845.**

245.

Under 1 oz.

NEW ZEALAND.

RETURN to Two Addresses of the Honourable The House of Commons,
dated 18 and 20 March 1845;—for,

RETURN “ of all CLAIMS for LAND preferred before the COMMISSIONER of
LAND CLAIMS in *New Zealand*, by or on behalf of any Persons who were,
in 1838, MISSIONARIES, CATECHISTS or SCHOOLMASTERS of the CHURCH
MISSIONARY SOCIETY.”

(*Mr. Aglionby.*)

RETURN “ of all CLAIMS for LAND preferred before the COMMISSIONERS of
LAND CLAIMS in *New Zealand*, by or on behalf of any Person or Persons
whatever, other than those included in the Return moved for on the
18th March; distinguishing in each Case the Number of Acres claimed, the
Prices paid, or Consideration given, and the Number of Acres allowed.”

(*Sir Robert Harry Inglis.*)

Colonial Office, Downing-street, }
17 April 1845.

G. W. HOPE.

Ordered, by The House of Commons, to be Printed,
22 April 1845.

RETURN of all CLAIMS for LAND preferred before the COMMISSIONER of LAND CLAIMS in *New Zealand*, by or on behalf of any Persons who were, in 1838, MISSIONARIES, CATECHISTS or SCHOOLMASTERS of the CHURCH MISSIONARY SOCIETY, &c. &c.

Colonial Land and Emigration Office,
8 April 1845.

Sir,

WE have the honour to acknowledge the receipt of your letter of the 31st ultimo, enclosing copies of two Resolutions of the House of Commons, for certain information relative to the claims to land preferred before the Commissioners of Land Claims in New Zealand, and directing us to furnish the information required, so far as we may be able to do so from the documents in this office.

The Resolutions in question are dated 18th and 20th March respectively.

With regard to the first, we beg leave to state, that we are unable to prepare any return showing the claims for land preferred by or on behalf of persons who were, in 1838, missionaries, catechists or schoolmasters of the Church Missionary Society in New Zealand, as no documents have ever been sent to us distinguishing the land held by different persons in the colony at that period.

With respect to the second Resolution, the only information we possess is contained in the Government Gazettes, and in the Schedule of Claims to Land, enclosed in Mr. Shortland's despatch which was sent to us on the 19th October 1843, and has been printed in the Appendix to the Report of the late Committee of the House of Commons. We have observed in the Gazettes and the Return referred to, that some claims were allowed on behalf of the Church Missionary Society, as will be seen by the extracts given in the accompanying analysis. We are unable, however, to say, that other claims may not have been preferred on behalf of missionaries, catechists or schoolmasters in connexion with that society, as it is possible that claimants returned as holding land in their individual capacity may have filled some of the offices before enumerated. We have also, in the accompanying analysis, shown the whole amount of land claimed, the quantity granted, and the amount of consideration given to the natives. We may add, that the Papers from which these particulars are obtained, evidently do not contain a description of all the claims preferred before the Commissioners (besides the claims of the New Zealand Company), but those only which had been reported up to the end of 1843, and been wholly or in part confirmed. The Gazettes and the Schedule referred to are the only documents in our office which contain any information on the subject.

We have, &c.

(signed) *T. Fred. Elliot.*
C. Alexander Wood.

James Stephen, Esq.,
&c. &c. &c.

15 June 1843,
No. 50.

Page 78.

RETURN

ANALYTICAL RETURN of CLAIMS to LAND in *New Zealand*, Confirmed and Gazetted to the end of 1843; extracted from the Government Gazettes, and from a List transmitted in a Despatch from Acting Governor *Shortland* to Lord *Stanley*, dated Auckland, 15 June 1843.

Number of Claim.	NAME OF CLAIMANT.	Quantity of Land Claimed.	Quantity Granted.	Consideration given to the Natives.
		<i>Acres.</i>	<i>Acres.</i>	<i>£. s. d.</i>
299 b	Church Missionary Society - -	$\frac{1}{2}$ included in Claim 299 i.	8	1 16 -
299 d	Ditto - - - - -	9	9	3 3 6
299 e	Ditto - - - - -	5	5	1 13 6
299 f	Ditto - - - - -	50	50	54 - -
299 i	Ditto - - - - -	800	332	81 - -
299 j	Ditto - - - - -	100	13	3 3 -
299 k	Ditto - - - - -	100	60	15 - -
373 g	Ditto, per J. Hamlin - - -	600	372	93 - -
299 & } 299 a }	Ditto, per Rev. H. Williams - -	$4\frac{1}{2}$	$4\frac{1}{2}$	9 6 -
299 g	Ditto - - - - -	2,000	1,273	318 4 -
299 c	Ditto, per Rev. H. Williams - -	3 or 4	quantity claimed	2 10 -
299 l	Ditto - - ditto - - -	$\frac{1}{2}$	$\frac{1}{2}$	20 10 -
299 r	Ditto, per R. Davis - - -	735	735	918 5 -
299 r 1	Ditto - - ditto - - -	50	50	101 9 6
299 r 2	Ditto - - ditto - - -	100	100	53 10 -
373 h	Ditto, per J. Hamlin - - -	200	200	73 - -
368 b	Ditto - - - - -	80	80	64 10 -
Total Claims of Church Missionary Society -		4,838 $\frac{1}{2}$	3,295 $\frac{1}{2}$	1,814 - 6
Total of other Claims* (about) - -		366,875 $\frac{1}{2}$	117,261 $\frac{1}{2}$	37,966 19 1
Net Total Amount added to above awards, as revised by the Commissioners of Land Claims (see New Zealand Gazette, 6 Sept. 1843) -		- - -	3,971	-
TOTAL of other Claims - -		366,875 $\frac{1}{2}$	121,232 $\frac{1}{2}$	37,966 19 1
GRAND TOTAL - - - - -		371,714	124,528	39,780 19 7

* The quantities of land under this head cannot be given precisely, as the *exact* amounts are occasionally not specified in the Return.

RETURN of all CLAIMS for LAND preferred before the COMMISSIONERS of LAND CLAIMS in *New Zealand*, by or on behalf of any Person or Persons whatever, other than those included in the Return moved for on the 18th March; distinguishing in each Case the Number of Acres claimed, the Prices paid, or Consideration given, and the Number of Acres allowed.

(No. 50.)

COPY of a DESPATCH from Acting-Governor *Shortland* to Lord *Stanley*.

My Lord,

Government House, Auckland, 15 June 1843.

IN reference to my Despatch of the 13th April last, No. 18, I have now the honour to forward a Schedule exhibiting the names of the land claimants to whom, up to the present date, awards have been made, with the amount of land granted.

I also enclose a Report on the actual progress made by the Commissioners, from which your Lordship will perceive that the desirable object, namely, a speedy termination of this disagreeable question, will in all probability be soon attained.

I have, &c.

(signed) *Willoughby Shortland*.

RETURNS RELATIVE TO CLAIMS

SCHEDULE of CLAIMS to LAND in New Zealand, Confirmed and Gazetted to the 17th May 1843.

No. of Case.	NAME OF CLAIMANT.	WHERE SITUATED.	Consideration.	Quantity Claimed.	Quantity Granted.	NAME OF GRANTEE.	REMARKS.
13	J. J. Montefiore	Bay of Islands	£. s. d.	Acres.	Acres.	J. J. Montefiore.	
14	James Busby	Waitangi, Bay of Islands	30 - -	343	80	James Busby.	
15	Ditto	-	135 19 6	270	270	- ditto.	
16	Ditto	-	71 16 6	25	25	- ditto.	
17	Ditto	Bay of Islands	39 15 -	500	159	- ditto.	
18	Ditto	-	54 2 6	2,000	217	- ditto.	
19	Ditto	-	45 12 6	80 to 100	quantity claimed	- ditto.	
20	Ditto	-	54 10 -	60	60	- ditto.	
21	Ditto	-	216 18 -	1,500	868	- ditto.	
22	Ditto	-	268 2 -	5,000	1,074	- ditto.	
41	John Barber	Paroa Bay, Bay of Islands	82 5 -	150	150	- ditto.	
41 a	Ditto	-	30 - -	100	80	John Barber.	
41 b	Ditto	-	20 - -	100	80	- ditto.	
41 c	Ditto	-	12 - -	30	30	- ditto.	
41 d	Ditto	Tepuna, Bay of Islands	92 - -	100	100	- ditto.	
46	J. Black and W. Green	-	34 10 -	40	40	- ditto.	
54	J. Byron	Paroa Bay, Bay of Islands	189 4 6	300	300	J. Black and W. Green.	
63	Representatives of J. Church	Kana Kana, Bay of Islands	20 - -	90	80	J. Byron.	
63 a	Ditto	-	20 - -	1	1	Representatives of J. Church.	
65 e	G. T. Clayton	Waitemata	12 - -	100	48	- ditto.	
66	J. R. Clendon	Okiaio, Bay of Islands	100 - -	100	100	G. T. Clayton.	
66 a	Ditto	Waikari, Bay of Islands	151 14 -	220	220	J. R. Clendon.	
66 b	Ditto	Bay of Islands	28 15 -	80	80	- ditto.	
66 e	Ditto	-	248 2 -	1,800	993	- ditto.	
66 f	Ditto	-	30 - -	25	25	- ditto.	
69	W. Cook and Representatives of R. Day.	-	30 16 3	60	60	- ditto.	
86	G. Emmings and R. Edney	Tepuna, Bay of Islands	150 - -	40	40	- W. Cook and Representatives of R. Day.	
86 a	Ditto	Oroola, Bay of Islands	10 2 8	10	10	G. Emmings and R. Edney.	
98	G. Greenway	Waikari, Bay of Islands	17 - -	40	40	- ditto.	
98 a	Ditto	Bay of Islands	125 12 6	100	100	G. Greenway.	
109	Thomas Hellyer	Waitemata	50 - -	50	50	- ditto.	
113	W. G. C. Hingstone	Bay of Islands	160 - -	320	320	Thomas Hellyer.	
113 a	Ditto	-	359 11 -	1,600	1,438	W. G. C. Hingstone.	
113 b	Ditto	-	135 - -	500	500	- ditto.	
113 c	Ditto	-	2 - -	4	4	- ditto.	
114	T. Hipkins and W. T. Pearse	Waikari, Bay of Islands	75 - -	500	300	- ditto.	
155	G. Mair	Kana Kana, Bay of Islands	122 6 -	400	400	T. Hipkins and W. T. Pearse.	
160	A. Marshall	Paroa Bay, Bay of Islands	150 - -	350	350	G. Mair.	
			25 10 -	300	103	A. Marshall.	

	Mellon & Skelton	Matakana	317	5,000	1,270	Mellon & Skelton	claimed in partnership.
169	J. M. Palmer	Wanganni	14	5,000	1,270	J. M. Palmer & C. Campbell	
185	F. Reed	Waikari, Bay of Islands	195	250	250	F. Reed	
199	Estate of D. Salmon	Waranaki	123	500	492	estate of D. Salmon.	
206	Ditto	- ditto	600	7,000	2,400	- ditto.	
206 a	Estate of W. J. Small	Kiri Kiri, Bay of Islands	300	600	600	estate of W. J. Small.	
211	A. B. Sparke & H. Tayler	Waitemata	97	3,000	390	A. B. Sparke & H. Tayler.	
212 and 221 a	Ditto	on the Waiti	116	1,000	117	- ditto.	
212 a and 221	T. Spicer	Bay of Islands	1,090	20,000	4,362	T. Spicer.	
214 b	Ditto	- ditto	80	100	100	- ditto.	
214 f	Ditto	- ditto	136	400	400	- ditto.	
214 h	Ditto	- ditto	30	150	120	- ditto.	
214 i	S. Stephenson	- ditto	3	15	15	S. Stephenson.	
215	Ditto	- ditto	51	15	15	- ditto.	
215 a	J. Stuart	Waikari	39	100	100	J. Stuart.	
218	W. Sturley	Paroa Bay, Bay of Islands	108	100	80	W. Sturley.	
219	H. Swain	Waikari, Bay of Islands	20	100	300	H. Swain.	
220	H. Taylor	Waitemata	102	300	300	H. Taylor.	
221 a	H. Taylor & W. T. Fairburn	Waitehi	103	300	63	H. Taylor & W. T. Fairburn.	
221 b	B. E. Turner	Bay of Islands	63	300	80	B. E. Turner.	
223 a	Ditto	- ditto	40	80	25	- ditto.	
223 b	Ditto	- ditto	25	25	30	- ditto.	
223 c	H. Williams	Waitangi	45	30	468	H. Williams.	
245	Ditto	Bay of Islands	116	1,000	2,292	- ditto.	
245 a	Ditto	- ditto	572	3,000	232	- ditto.	
245 b	Ditto	- ditto	58	500	1,813	- ditto.	
245 c	Ditto	- ditto	453	4,000	420	- ditto.	
245 d	Ditto	- ditto	104	500	1,785	- ditto.	
245 e	Ditto	- ditto	416	2,000	100	S. A. Wood.	
250	S. A. Wood	Waikari, Bay of Islands	52	100	411	J. Wright.	
251	J. Wright	Bay of Islands	102	600	872	C. Baker.	
255	C. Baker	near the Bay of Islands	259	1,212	1,316	- ditto.	
255 b	Ditto	Bay of Islands	399	5,000	440	W. D. Brind.	
258	W. D. Brind	- ditto	180	440	30	- ditto.	
258 b	Ditto	Tamaki	34	30	3,695	W. T. Fairburn.	
269 a	W. T. Fairburn	Waimati, Bay of Islands	923	40,000	50	J. Kemp.	
273	J. Kemp	Bay of Islands	22	50	1,070	- ditto.	
273 a	Ditto	- ditto	269	5,000	150	- ditto.	
273 b	Ditto	- ditto	49	150	1,011	J. King.	
274	J. King	Bay of Islands	252	3,000	672	- ditto.	
274 a	Ditto	- ditto	168	1,500	271	- ditto.	
274 b	Ditto	- ditto	67	500	150	- ditto.	
274 c	Ditto	- ditto	35	150	1	P. H. King.	
275	P. H. King	- ditto	2	1	3	- ditto.	
275 a	Ditto	- ditto	12	3	1	- ditto.	
275 b	Ditto	- ditto	20	1	400	Representatives of J. Robertson.	
278 a	Representatives of J. Robertson	Paroa Bay, Bay of Islands	213	400			

(continued.)

SCHEDULE of Claims to Land in New Zealand—continued.

No of Case.	NAME OF CLAIMANT.	WHERE SITUATED.	Consideration.	Quantity Claimed.	Quantity Granted.	NAME OF GRANTEE.	REMARKS.
288 b and 288 d	J. S. Polack	Waitangi, Bay of Islands	£. s. d.	Acre.	Acre.	J. S. Polack.	
299 l	Church Missionary Society	Bay of Islands	1 16 -	152	152	Church Missionary Society	included in Claim 299 i.
299 d	Ditto	Paikia	3 3 6	1	8	- ditto.	
299 e	Ditto	- ditto	1 13 6	9	9	- ditto.	
299 f	Ditto	- ditto	54 -	5	5	- ditto.	
299 i	Ditto	- ditto	81 -	800	332	- ditto.	
299 j	Ditto	Near Paikia	3 3 -	100	13	- ditto.	
299 k	Ditto	- ditto	15 -	100	60	- ditto.	
288 c	J. S. Polack	Waitangi, Bay of Islands	53 -	300	208	J. S. Polack.	
300	S. H. Ford	Waikari	108 13 -	200	200	S. H. Ford.	
300 a	Ditto	- ditto	41 7 -	100	100	- ditto.	
373 b	J. Hamlin	Manukau	308 9 6	1,450	964	J. Hamlin.	
373 c	Ditto	- ditto	150 13 -	500	500	- ditto.	
373 d	Ditto	- ditto	115 14 -	500	463	- ditto.	
373 e	Ditto	Near Manukau	302 18 -	1,100	600	- ditto.	
373 f	Ditto	Manukau	99 1 6	300	300	- ditto.	
373 g	Ditto	- ditto	93 -	600	372	Church Missionary Society	claimed on their behalf.
65 a	G. T. Clayton	Kororika	25 -	2½	2½	G. T. Clayton.	
65 b	Ditto	- ditto	5 12 6	1	1	Joseph Aberline	sold to Grantee.
65 g	Ditto	- ditto	5 -	2	2	G. T. Clayton	excepting parts re-sold by Claimant.
65 h	Ditto	- ditto	18 -	9	9	- ditto.	
65 i	Ditto	- ditto	3 -	-	quantity claimed	E. E. Cafers	sold to Grantee.
89, 89 a and 89 b	J. Evans	- ditto	38 12 -	-	- ditto	J. Evans.	
89 c, 89 d and 89 e	Ditto	- ditto	42 -	30	30	- ditto.	
154 c	Hugh M'Liver	- ditto	40 -	-	quantity claimed	Hugh M'Liver.	
173	W. B. Moores	- ditto	4 12 -	½	-	W. B. Moores.	
214	T. Spicer	- ditto	2 12 6	-	-	T. Spicer.	
214 c	Ditto	- ditto	8 -	-	-	- ditto.	
214 d	Ditto	- ditto	10 -	about ½	-	- ditto.	
214 e	Ditto	- ditto	3 12 -	½	½	- ditto.	
214 g	Ditto	- ditto	5 1 -	4	4	- ditto.	
214 m	Ditto	- ditto	10 -	1½	1½	- ditto.	
214 n	Ditto	- ditto	9 16 -	nearly 1	quantity claimed	- ditto.	
232	B. E. Turner	- ditto	8 5 -	2	2	B. E. Turner.	
233	Ditto	- ditto	47 -	7	7	- ditto.	
254 a	Atherton, Kelly & Whitaker	- ditto	5 -	2	2	J. Kelly.	
255 d	C. Baker	- ditto	27 7 4	30	30	C. Baker	excepting parts re-sold.
262 a	M. Brown	- ditto	13 18 -	-	quantity claimed	M. Brown.	

FOR LAND IN NEW ZEALAND.

299 and 299 a	Rev. H. Williams	-	-	-	-	-	9	6	-	4 ½	4 ½	Church Mission	-	-	claimed on their behalf.
327 g	J. A. Duvanchelle	-	-	-	-	-	60	-	-	15	15	Messrs. Caflers & Belligny	-	-	sold to Grantees.
340 b	C. Hector	-	-	-	-	-	2	19	-	2	2	Kororarika Land Company	-	-	claimed on their behalf.
340 c	Ditto	-	-	-	-	-	2	17	3	2	2	- ditto -	-	-	- ditto.
340 f	Ditto	-	-	-	-	-	200	-	-	1	1	- ditto -	-	-	- ditto.
340 h	Ditto	-	-	-	-	-	140	-	-	2	2	- ditto -	-	-	- ditto.
340 i	T. Spicer	-	-	-	-	-	24	-	-	16 perches	16 perches	- ditto -	-	-	-
181	J. Norman & C. Cook	-	-	-	-	-	23	3	-	97 by 45 feet	97 by 45 ft.	J. Norman and C. Cook.	-	-	-
322	Representatives of A. Gray	-	-	-	-	-	2	10	-	1 ½	1 ½	Representatives of A. Gray.	-	-	-
332	F. Hodgkinson	-	-	-	-	-	20	-	-	2 R. 37 P.	2 R. 37 P.	F. Hodgkinson.	-	-	-
61, 361 a and 361 b	J. Johnson	-	-	-	-	-	52	15	6	80 by 160 ft.	80 by 160 ft.	J. Johnson.	-	-	-
361 c	Ditto	-	-	-	-	-	15	-	-	3 A. 2 R. 10 P.	3 A. 2 R. 10 P.	- ditto.	-	-	-
385	J. Lette	-	-	-	-	-	25	-	-	60	60	J. Lette.	-	-	-
391 c	Catholic Mission	-	-	-	-	-	125	9	6	120 sq. ft.	120 sq. ft.	Catholic Mission.	-	-	-
431 a and 441	D. McKay	-	-	-	-	-	12	-	-	320	320	D. McKay.	-	-	-
39	Representatives of F. Atherton	-	-	-	-	-	130	8	6	22	22	Representatives of F. Atherton.	-	-	-
42	T. Bateman	-	-	-	-	-	26	-	-	100	100	T. Bateman.	-	-	-
42 b	Ditto	-	-	-	-	-	31	17	6	1,500	1,500	- ditto.	-	-	-
42 c	Ditto	-	-	-	-	-	140	-	-	250	250	J. Bedgood.	-	-	-
44	J. Bedgood	-	-	-	-	-	92	18	-	3	3	G. T. Clayton.	-	-	-
65 c	G. T. Clayton	-	-	-	-	-	10	-	-	8	8	- ditto.	-	-	-
65 l	Ditto	-	-	-	-	-	4	14	-	5	5	- ditto.	-	-	-
65 m	Ditto	-	-	-	-	-	8	-	-	2	2	- ditto.	-	-	-
65 n	Ditto	-	-	-	-	-	95	-	-	1,000	1,000	-- W. Cooke and Representatives of R. Day.	-	-	-
69 a	W. Cooke and Representatives of R. Day.	-	-	-	-	-	231	4	6	15	15	G. Cooper & J. T. Hughes	-	-	-
71	G. Cooper	-	-	-	-	-	37	10	-	2,112	2,112	J. Davis.	-	-	-
78 a	J. Davis	-	-	-	-	-	102	15	-	200	200	J. Edmonds.	-	-	-
85	J. Edmonds	-	-	-	-	-	10	-	-	100	100	G. Greenway	-	-	-
98 b	G. Greenway	-	-	-	-	-	29	10	-	3	3	G. Hemmings.	-	-	-
110	G. Hemmings	-	-	-	-	-	13	-	-	10	10	J. Johnson.	-	-	-
123	J. Johnson	-	-	-	-	-	83	13	-	3,000	3,000	J. Johnson & W. Jackson	-	-	-
123 a	Ditto	-	-	-	-	-	4	8	6	4	4	T. Joyce.	-	-	-
128	T. Joyce	-	-	-	-	-	140	10	-	550	550	- ditto.	-	-	-
128 a	Ditto	-	-	-	-	-	15	10	-	20	20	J. Leitch	-	-	-
134	J. Leitch	-	-	-	-	-	42	10	-	500	500	J. M. Palmer.	-	-	-
166	S. May, on behalf of J. M. Palmer	-	-	-	-	-	19	-	3	not stated	not stated	B. Nisbet.	-	-	-
180	B. Nisbet	-	-	-	-	-	157	16	-	10	10	J. Reid.	-	-	-
200	J. Reid	-	-	-	-	-	6	5	-	3,000	3,000	Representatives of T. Richards.	-	-	-
201	F. Richards, as Representative of T. Richards.	-	-	-	-	-	155	5	-	10	10	J. Stuart.	-	-	-
218 b	J. Stuart	-	-	-	-	-	169	17	6	300	300	M. Whytlaw	-	-	-
244	M. Whytlaw	-	-	-	-	-	near Kororarika	-	-	-	-	Rev. H. Williams.	-	-	-
248	Rev. H. Williams	-	-	-	-	-	-	-	-	-	-	-	-	-	-

excepting parts claimed by others.

excepting parts re-sold.

claimed in partnership.

- - excepting parts not sold by natives.

claimed in partnership.

- - excepting parts not sold by natives.

- - excepting parts not sold by natives.

(continued.)

RETURNS RELATIVE TO CLAIMS

SCHEDULE of Claims to Land in New Zealand—continued.

No. of Case.	NAME OF CLAIMANT.	WHERE SITUATED.	Consideration.	Quantity Claimed.	Quantity Granted.	NAME OF GRANTEE.	REMARKS.
248 a	Rev. H. Williams	near Kororarika	£. s. d. 253 19 6	Acres. 400	Acres. 400	Rev. H. Williams	- - excepting parts not sold by natives.
248 b	Ditto	- ditto	16 12 -	20	20	- ditto.	-
248 d	Ditto	the Manawanna	68 15 6	100	100	- ditto.	-
248 e	Ditto	Maunga Turoto	35 - -	50	50	- ditto.	-
249	T. Wing	Bay of Islands	58 13 6	120	120	T. Wing.	-
262 b	M. Brown	- ditto	70 - -	7	7	M. Brown	with certain exceptions.
262 c	Ditto	Paroa Bay	6 - -	8	8	- ditto.	-
273 f	J. Kemp	Bay of Islands	2 13 -	6	6	J. Kemp.	-
278	Representatives of J. Robertson	near Kororarika	17 - -	20	20	Representatives of J. Robertson.	-
286	G. Clarke	near Waimate	1,063 1 6	1,500	1,500	G. Clarke	- - excepting parts not sold by natives.
288	J. S. Polack	Bay of Islands	54 9 -	100	100	J. S. Polack.	-
290	J. Jones, for W. Jeffray and J. Whytlaw.	- ditto	25 12 -	22	22	W. Jeffray and J. Whytlaw.	-
291	E. Powell	- ditto	- - -	-	-	-	- - grant recommended in Claim 337 a.
300 b	S. H. Ford	Waikari	20 - -	50	50	S. H. Ford.	-
300 c	Ditto	- ditto	50 - -	50	50	- ditto.	-
329	D. N. Joubert	Bay of Islands	- - -	114	114	D. N. Joubert	included in Claim 331 d.
331 d	E. E. Cadfers	- ditto	102 6 6	490	490	E. E. Cadfers.	-
337	Representatives of J. McLeod	Kororarika	5 - -	2½	2½	Representatives of J. McLeod.	-
337 a	Ditto	Bay of Islands	182 5 -	300	300	- ditto	with certain exceptions.
337 b and 291	S. Harvey	- ditto	90 10 6	400	362	S. Harvey.	-
339	C. Hector	- ditto	110 18 -	160	160	Kororarika Land Company	claimed on their behalf.
340 a	Ditto	- ditto	71 - -	180	180	- ditto	- ditto.
340 d	Ditto	- ditto	65 6 6	20	20	- ditto	- ditto.
355	J. Aberline	- ditto	210 - -	200	200	J. Aberline.	-
358	E. Bolger	- ditto	400 - -	150	150	E. Bolger.	-
358 a	Ditto	- ditto	131 7 -	300	300	- ditto.	-
362	C. B. Waitford	- ditto	97 15 -	600	391	C. B. Waitford.	-
421	D. McKay	- ditto	22 8 -	40	40	D. McKay.	-
78	J. Davis	near Kaitia	40 - -	1,000	160	J. Davis.	-
79	P. Donovan	Wangaroa	25 10 -	20	20	P. Donovan.	-
139	W. Lillico	- ditto	10 - -	35	35	W. Lillico.	-
154, 154 a and 154 b	H. M'Liver	- ditto	97 3 6	3,600	388	H. M'Liver.	-
163 a	J. Mathews	Kaitiau	117 10 -	800	470	J. Mathews	excepting parts not sold by natives.
164	R. Mathews	- ditto	179 8 -	3,000	718	R. Mathews	- ditto.
195 a	W. Potter	near Kaitia	90 - -	1,200	360	W. Potter	with certain exceptions.
216	E. Stittard	Wangaroa	30 - -	60	60	E. Stittard.	-
222	Rev. R. Taylor	North Cape	681 9 9	50,000	2,726	Rev. R. Taylor	- ditto.
256 a	W. Baker	Wangaroa	223 - -	10,000	892	W. Baker.	-
256 b	Ditto	- ditto	20 2 6	15	15	- ditto.	-

FOR LAND IN NEW ZEALAND.

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(continued.)

RETURNS RELATIVE TO CLAIMS

SCHEDULE of Claims to Land in New Zealand—continued.

No. of Cases.	NAME OF CLAIMANT.	WHERE SITUATED.	Consideration.	Quantity Claimed.	Quantity Granted.	NAME OF GRANTEE.	REMARKS.
			£. s. d.	Acres.	Acres.		
40	J. Baker	Hokianga River	14 9 6	1,000	58	J. Baker.	
40 b	Ditto	ditto	85 13 6	1,000	343	- ditto.	
55	T. Cassidy	ditto	74 12 6	1,500	299	T. Cassidy.	
55 a	Ditto	ditto	124 2 -	1,000	496	- ditto.	
58	W. Nicholas and E. Chadwick	ditto	101 4 -	700	405	W. Nicholas and E. Chadwick.	
61	A. Chapman	ditto	18 18 -	300	76	A. Chapman.	
61 a	Ditto	ditto	25 - 6	900	100	- ditto.	
62	W. H. Christie and Rev. J. Duffies	Bay of Islands	400 - -	15,000	1,600	W. H. Christie & Rev. J. Duffies.	
66 g	J. R. Clendon	ditto	150 - -	400	400	J. R. Clendon.	
67	D. B. Cochrane	Hokianga	68 15 6	1,000	275	D. B. Cochrane	with certain exceptions.
67 a	Ditto	ditto	60 - -	500	240	- ditto	- ditto.
67 b	Ditto	ditto	13 13 -	500	55	- ditto	- ditto.
88	S. Egert	Hokianga River	21 9 -	350	86	S. Egert	excepting parts re-sold.
92	E. Fishwick	ditto	84 6 -	1,200	337	E. Fishwick.	
92 a	Ditto	ditto	35 2 -	80	80	- ditto	with certain exceptions.
92 b	Ditto	ditto	5 - -	1	1	- ditto.	
92 c	Ditto	ditto	1 - -	1	1	- ditto.	
97	P. Greenhill	Wangari	237 11 -	2,500	950	P. and J. Greenhill	claimed in partnership.
119	R. Hunt	Hokianga	120 - -	3,000	480	R. Hunt	excepting parts re-sold.
122	H. Jellico (deceased)	ditto	360 10 -	1,500	1,442	Representatives of H. Jellico.	
122 a	Ditto	ditto	68 15 -	100	100	- ditto.	
129	{ J. Kelly, J. P. Lloyd, J. Baker and J. Hollingsworth.	ditto	73 8 6	2,000	294	J. Kelly, J. P. Lloyd, J. Baker, and J. Hollingsworth.	excepting parts not sold by natives.
155 a	G. Mair	Wangari	300 - -	5,000	1,200	G. Mair.	- ditto.
157	F. E. Maning	Hokianga	233 10 -	200	200	F. E. Maning.	
159	R. Mariner and F. Bowyer	ditto	52 13 6	1,500	211	R. Mariner and F. Bowyer.	
162	J. Martin	ditto	34 19 -	45	45	J. Martin.	
162 a	Ditto	ditto	38 13 -	50	50	- ditto.	
171	P. Monro	ditto	208 4 -	600	600	P. Monro.	
176 and 176 a	J. Murray	ditto	24 - -	1,500	96	J. Murray.	
179	G. Nimmo	ditto	80 5 -	200	200	G. Nimmo.	
183	J. S. Adeland	ditto	35 13 6	300	143	J. S. Adeland	with certain exceptions.
183 a	Ditto	ditto	39 18 -	300	160	- ditto.	

	J. S. Adeland	-	-	-	Hokianga	-	-	-	59	11	9	500	238	J. S. Adeland.
183 b	N. Pickering, pro T. Honan	-	-	-	- ditto	-	-	-	21	3	-	30	30	T. Honan.
192	H. Pearson	-	-	-	- ditto	-	-	-	27	4	6	80	80	H. Pearson.
193 a	- Ditto	-	-	-	- ditto	-	-	-	132	2	-	2,000	532	- ditto - - -
218 a	J. Stuart	-	-	-	Bay of Islands	-	-	-	524	4	6	5,000	2,097	J. Stuart.
237	P. Walshe	-	-	-	Hokianga	-	-	-	69	4	6	350	277	P. Walshe - - -
254	Atherton, Kelly and Whitaker	-	-	-	Bay of Islands	-	-	-	251	6	6	6,000	1,005	Atherton, Kelly and Whitaker
262 d and 262 e	M. Brown	-	-	-	- ditto	-	-	-	100	-	-	30	30	M. Brown.
273 g	J. Kemp	-	-	-	Kiri Kiri	-	-	-	24	12	-	70	70	J. Kemp.
299 c	Rev. H. Williams	-	-	-	Paihia	-	-	-	2	10	-	3 or 4	quantity claimed	Church Mission
299 l	- Ditto	-	-	-	Kawa Kawa	-	-	-	20	10	-	3	-	- ditto - - -
299 r	R. Davis	-	-	-	- ditto	-	-	-	918	5	-	735	735	- ditto - - -
299 r 1	- Ditto	-	-	-	Waimate	-	-	-	101	9	6	50	50	- ditto - - -
299 r 2	- Ditto	-	-	-	- ditto	-	-	-	53	10	-	100	100	- ditto - - -
306	R. and W. Carruth	-	-	-	Wangari	-	-	-	306	15	-	1,500	1,227	R. and W. Carruth.
307	B. Ashwell	-	-	-	Waimate	-	-	-	8	-	-	20	20	B. Ashwell.
309 and 309 a	{ J. Kemp, on behalf of the families of seven of the members of the Church Missionary Society.	-	-	-	Kiri Kiri	-	-	-	740	-	6	3,100	2,960	- J. Kemp, on behalf of the claimants.
324	R. Davis	-	-	-	Waimate	-	-	-	490	15	-	3,000	1,963	R. Davis.
330	R. Davis, on behalf of the families of seven of the members of the Church Missionary Society.	-	-	-	- ditto	-	-	-	206	-	-	500	500	- R. Davis, on behalf of the claimants.
331 e	E. E. Caflers	-	-	-	Kororarika	-	-	-	-	-	-	-	-	E. E. Caflers - - -
333 g	J. Shepherd, pro J. M. Ormond	-	-	-	Waimate	-	-	-	532	14	-	3,000	2,131	J. M. Ormond.
355 a	J. Aberline	-	-	-	Bay of Islands	-	-	-	98	1	6	50	50	J. Aberline.
361 d	J. Johnson and H. Henderson	-	-	-	Kororarika	-	-	-	160	-	-	1,000	640	J. Johnson and H. Henderson -
373 a	J. Hamlin	-	-	-	Waimate	-	-	-	32	12	6	45	45	J. Hamlin.
399	C. J. Crofton, on behalf of the estate of the late T. Mitchell.	-	-	-	Hokianga	-	-	-	69	-	-	1,500	276	- Representatives of the late T. Mitchell.
441	D. McKay	-	-	-	- ditto	-	-	-	-	-	-	-	-	D. McKay - - -
447	J. E. Hargraves	-	-	-	Waimate	-	-	-	12	-	-	1 ½	1 ½	J. E. Hargraves.
447 a	- Ditto	-	-	-	- ditto	-	-	-	15	-	-	12	12	- ditto.

12 RETURNS RELATIVE TO CLAIMS FOR LAND IN NEW ZEALAND.

REPORT.

IN compliance with the Memorandum of His Excellency the Officer administering the Government, we have the honour to report respecting the Claims to Grants of Land, as follows :—

The Total Number of Claims referred to the Commission is	-	-	-	-	1,037
Advertised for investigation by Mr. Spain	-	-	-	-	45
Already reported by us	-	-	-	-	554
Investigations nearly completed at Auckland	-	-	-	-	55
(To be reported upon by the 1st July next.)					
In course of examination at Coromandel Harbour, by Commissioner Richmond	-	-	-	-	87
(To be reported upon by the 31st July next.)					
Advertised for investigation in the Middle Island, by Commissioner Godfrey	-	-	-	-	117
(To be reported upon by the 30th November next.)					
Not yet advertised for investigation	-	-	-	-	179
					1,037

The above number of (179) Claims remaining for investigation, we doubt not, can very easily be examined and reported upon by the Commission, during the ensuing summer.

Auckland, 30 May 1843. (signed) Edward L. Godfrey.
Matthew Richmond.

NEW ZEALAND.

RETURNS of CLAIMS for LAND preferred before
the COMMISSIONERS of LAND CLAIMS on behalf
of Missionaries, and of Claims preferred on behalf
of other Persons.

(Mr. Aglionby.)
(Sir Robert Harry Inglis.)

Ordered, by The House of Commons, to be Printed,
22 April 1845.

246.

Under 2 oz.

NEW ZEALAND.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 2 June 1845:—for,

— No. 1. —

“ RETURN of all CLAIMS to LAND in *New Zealand*, stated in the Schedule inclosed in the Despatch of Acting-Governor *Shortland* to Lord *Stanley*, dated *Auckland*, 15 June 1843 (No. 50), and in the *New Zealand Government Gazettes* of 1841, 21 July, 25 August, 8 September, 3 November, 10 November, 24 November, 1 December, and 22 December; 1842, 5 January, 6 April, 4 May, 11 May, 17 August, Supplement, 28 September, and 7 December; and 1843, 5 April, Supplement, 12 April, Supplement, and 6 September, Supplement; as made by or on behalf of the persons under mentioned, for themselves or their families, and by or on behalf of that Society itself as distinguished from the individuals,—The Rev. *A. N. Brown*, Rev. *Richard Taylor*, Rev. *H. Williams*, Rev. *W. Williams*, and Messrs. *Benjamin Ashwell*, *C. Baker*, *J. Beddgood*, *George Clarke*, *James Davis*, *Richard Davis*, *John Edmonds*, *W. T. Fairburn*, *L. H. Ford*, *James Hamlin*, *James Kemp*, *John King*, *P. H. King*, *Joseph Matthews*, *Richard Matthews*, *James Preece*, *W. G. Puckey*, *James Shepherd*, *James Stack*, *J. A. Wilson*; also, Messrs. *J. Kemp* on behalf of families of members of the Church Missionary Society, *R. Davis*, on behalf of ditto, *W. Baker*, and *J. Baker* :”

— No. 2. —

“ EXTRACT of so much of a NOTICE, dated Colonial Secretary's Office, *Auckland*, 22 May 1844, and published in the *New Zealand Government Gazette* of 23 May 1844, as relates to Deeds of Grant, being ready for delivery to Mr. *George Clarke*, the Chief Protector of Aborigines in *New Zealand*; together with a Copy of the Notice, dated Colonial Secretary's Office, *Auckland*, 8 May 1844, and published in the same Gazette, on the subject of Surveying the Boundaries of Lands awarded by the Commissioners of Land Claims to the respective Claimants; and a Copy of the Form of Deed annexed to the Notice last mentioned :”

— No. 3. —

“ COPIES of Three PROCLAMATIONS regarding the Pre-emption of LAND in *New Zealand*, dated respectively 26 March, 1 October, and 10 October 1844, and published in the *New Zealand Government Gazettes* of 26 March, 5 October, and 10 October of the same Year :”

— No. 4. —

“ COPIES of all AWARDS made by Mr. *Spain*, Commissioner of Land Claims in *New Zealand*, upon Claims preferred by or on behalf of the NEW ZEALAND COMPANY; together with the Decisions of the Local Government thereon respectively :”

— No. 5. —

“ RETURN of all Sums of MONEY paid by the Agents of the NEW ZEALAND COMPANY to or for the use of the Aboriginal Inhabitants of *New Zealand*, under the Directions of of the Local Government, or of Mr. *Spain*, the Commissioner of Land Claims, or of Mr. *George Clarke*, senior, Chief Protector of Aborigines, or of Mr. *George Clarke*, junior, Sub-Protector; showing the Date and Amount of each Payment, to whom paid, on what Account, and in what manner distributed or applied :”

— No. 6. —

“ COPIES of a MEMORIAL from the Landowners resident in the District of *Port Nicholson*, *New Zealand*, to the Right honourable Lord *Stanley*, Principal Secretary of State for the Colonies, on the subject of a Proclamation issued by Governor *Fitzroy*, dated 10 October 1844; and of all CORRESPONDENCE between the Colonial Office and Dr. *Evans*, on the subject of a Copy of that Memorial which Dr. *Evans* has been deputed to present.”

Colonial-office, Downing-street, }
16 June 1845.

(signed) *G. W. Hope.*

(*Mr. Aglionby.*)

Ordered, by The House of Commons, to be Printed,
16 June 1845.

RETURNS RELATIVE TO THE

Sir,

Colonial Land and Emigration Office, 11 June 1845.

2 June 1845.

From January 1841
to 24 June 1844,
(date last re-
ceived.)

We have the honour to acknowledge the receipt of your letter of the 9th instant, transmitting by Lord Stanley's direction an Address from the House of Commons for certain Returns relating to the claims of land in New Zealand, as well as copies of the New Zealand Government Gazettes therein referred to, and directing us to prepare from such information as we possess the statements required.

In obedience to his Lordship's instructions we have prepared three Returns in answer to parts of the Address, which we have the honour herewith to transmit.

No. 1, parts (A.) and (B.), is in answer to the first paragraph.

No. 2, is in answer to the second paragraph.

We beg leave at the same time to state, that the information possessed at this office is insufficient to enable us to make any return to other parts of the Address.

We have, &c.

G. W. Hope, &c. &c. &c.

(signed) T. F. Elliot:
C. Alexander Wood.

— No. 1. —

" RETURN of all CLAIMS to LAND in New Zealand, stated in the Schedule inclosed in the Despatch of Acting-Governor Shortland to Lord Stanley, dated Auckland, 15 June 1843 (No. 50), and in the New Zealand Government Gazettes of 1841, 21 July, 25 August, 8 September, 3 November, 10 November, 24 November, 1 December, and 22 December; 1842, 5 January, 6 April, 4 May, 11 May, 17 August, Supplement, 28 September, and 7 December; and 1843, 5 April, Supplement, 12 April, Supplement, and 6 September, Supplement; as made by or on behalf of the persons under mentioned, for themselves or their families, and by or on behalf of that Society itself as distinguished from the individuals,—The Rev. A. N. Brown, Rev. Richard Taylor, Rev. H. Williams, Rev. W. Williams, and Messrs. Benjamin Ashwell, C. Baker, J. Beddgood, George Clarke, James Davis, Richard Davis, John Edmonds, W. T. Fairburn, L. H. Ford, James Hamlin, James Kemp, John King, P. H. King, Joseph Matthews, Richard Matthews, James Preece, W. G. Puckey, James Shepherd, James Stack, J. A. Wilson; also, Messrs. J. Kemp, on behalf of families of members of the Church Missionary Society, R. Davis on behalf of ditto, W. Baker, and J. Baker."

(A.)

RETURN of CLAIMS to LAND made by or on behalf of the CHURCH MISSIONARY SOCIETY, or by or on behalf of the Persons mentioned in the Order of the House of Commons of the 2d June 1845, confirmed and gazetted to the 17th May 1843; extracted from the Schedule enclosed in a Despatch from Acting Governor Shortland to Lord Stanley, dated Auckland, 15 June 1843.

Number of Case.	NAME OF CLAIMANT.	WHERE SITUATED.	Consideration.	Quantity Claimed.	Quantity Granted.
			£. s. d.	acres.	acres.
299 b included in claim 299 i.	Church Missionary Society	Bay of Islands - -	1 16 -	$\frac{1}{2}$	8
299 d	Ditto - - - -	Paihia - - - -	3 3 6	9	9
299 e	Ditto - - - -	Ditto - - - -	1 13 6	5	5
299 f	Ditto - - - -	Ditto - - - -	54 - -	50	50
299 i	Ditto - - - -	Ditto - - - -	81 - -	800	332
299 j	Ditto - - - -	Near Paihia - -	3 3 -	100	13
299 k	Ditto - - - -	Ditto - - - -	15 - -	100	60
373 g	Ditto, per J. Hamlin	Manukau - - - -	93 - -	600	372
299 & 299 a	Ditto, per Rev. H. Williams	Kororarika - - -	9 6 -	$4\frac{1}{2}$	$4\frac{1}{2}$
299 g	Ditto - - - -	Kaitaia - - - -	318 4 -	2,000	1,273
299 c	Ditto, per Rev. H. Williams	Paihia - - - -	2 10 -	3 or 4	Quantity claimed.
299 b	Ditto - - ditto - -	Kawa Kawa - - -	20 10 -	$\frac{1}{2}$	$\frac{1}{2}$

COLONY OF NEW ZEALAND.

3

Number of Case.	NAME OF CLAIMANT.	WHERE SITUATED.	Consideration.	Quantity Claimed.	Quantity Granted.
			£. s. d.	acres.	acres.
299 r	Church Missionary Society, per R. Davis.	Kawa Kawa - - -	918 5 -	735	785
299 r 1	Ditto - ditto - -	Waimate - - -	101 9 6	50	50
299 r 2	Ditto - ditto - -	- ditto - - -	53 10 -	100	100
	The Rev. A. N. Brown -	- - - nil.	-		
	The Rev. Rich. Taylor :				
222	Rev. R. Taylor - -	North Cape - - -	681 9 9	50,000	- - 2,726, with certain exceptions.
	Rev. H. Williams :				
245	H. Williams - - -	Waitangi - - -	116 18 -	1,000	468
245 a	Ditto - - -	Bay of Islands - -	572 18 -	3,000	2,292
245 b	Ditto - - -	- ditto - - -	58 6 -	500	232
245 c	Ditto - - -	- ditto - - -	453 7 -	4,000	1,813
245 d	Ditto - - -	- ditto - - -	104 18 6	500	420
245 e	Ditto - - -	- ditto - - -	416 4 2	2,000	1,785
248	Rev. H. Williams - -	Near Kororarika - -	169 17 6	300	300
248 a	Ditto - - -	- - ditto - - -	252 19 6	400	- - 400, excepting parts not sold by the Natives.
248 b	Ditto - - -	- - ditto - - -	16 12 -	20	20
248 d	Ditto - - -	The Manowenna - -	68 15 6	100	100
248 e	Ditto - - -	Maunga Turoto - -	35 - -	50	50
	Rev. W. Williams - -	- - - nil.	-		
	Mr. Benjamin Ashwell :				
307	B. Ashwell - - -	Waimate - - -	8 - -	20	20
	Mr. C. Baker :				
255	C. Baker - - -	Waikari - - -	259 2 6	1,212	872 } revised award,
255 b	Ditto - - -	Near the Bay of Islands -	329 - -	5,000	1,316 } 2,560.
255 d	Ditto - - -	Kororarika - - -	27 7 4	30	30, excepting parts re-sold.
	Mr. J. Beddgood :				
44	J. Beddgood - - -	Waimate - - -	92 18 -	250	250
	Mr. George Clarke :				
286	G. Clarke - - -	Near Waimate - - -	1,063 1 6	1,500	- - 1,500, excepting parts not sold by the Natives.
	Mr. James Davis :				
78 a	J. Davis - - -	Waimate - - -	37 10 -	15	15
78	Ditto - - -	Near Kaitaia - - -	40 - -	1,000	-- 160 ; revised award, 320.
	Mr. Richard Davis :				
324	R. Davis - - -	Waimate - - -	490 15 -	3,000	1,963
	Mr. John Edmonds :				
85	J. Edmonds - - -	Kiri Kiri - - -	399 5 -	2,112	-- 1,597 ; revised award, 2,112.
	Mr. W. T. Fairburn :				
221 b	H. Taylor & W. T. Fairburn	Waiheke - - -	63 2 6	300	63
269 a	W. T. Fairburn - -	Tamaki - - -	923 17 6	40,000	3,695
	Mr. S. H. Ford :				
300	S. H. Ford - - -	Waikari - - -	108 13 -	200	200
300 a	Ditto - - -	- ditto - - -	41 7 -	100	100
300 b	Ditto - - -	Waikare - - -	20 - -	50	50
300 c	Ditto - - -	- ditto - - -	50 - -	50	50
300 c	Ditto - - -	Kaitaia - - -	475 - -	3,000	- - 1,900, excepting parts not sold by Natives ; revised award, 1,357.
	Mr. James Hamlin :				
373 b	J. Hamlin - - -	Manukau - - -	308 9 6	1,450	964
373 c	Ditto - - -	- ditto - - -	150 13 -	500	500
373 d	Ditto - - -	- ditto - - -	115 14 -	500	463
373 e	Ditto - - -	Near ditto - - -	302 18 -	1,100	600
373 f	Ditto - - -	Manukau - - -	90 1 6	300	300
373 a	Ditto - - -	Waimate - - -	32 12 6	45	45

(continued)

378.

A 2

RETURNS RELATIVE TO THE

Number of Case.	NAME OF CLAIMANT.	WHERE SITUATED.	Consideration.	Quantity Claimed.	Quantity Granted.
	Mr. James Kemp :		£. s. d.	acres.	acres.
273	J. Kemp - - -	Waimati, Bay of Islands -	22 5 -	50	50
273 a	Ditto - - -	Bay of Islands - - -	269 10 -	5,000	1,070
273 b	Ditto - - -	- ditto - - -	49 12 -	150	150
273 f	Ditto - - -	- ditto - - -	2 13 -	6	6
273 c, 273 d	Ditto - - -	Wangaroa - - -	571 - 6	4,000	2,284
273 e, 273 h	Ditto - - -	Kiri Kiri - - -	24 12 -	70	70
273 g					
	Mr. John King :				
274	J. King - - -	Bay of Islands - - -	252 15 -	3,000	1,011
274 a	Ditto - - -	- ditto - - -	168 - -	1,500	672
274 b	Ditto - - -	- ditto - - -	67 13 6	500	271
274 c	Ditto - - -	- ditto - - -	35 11 2	150	150
	Mr. P. H. King :				
275	P. H. King - - -	Bay of Islands - - -	2 12 6	1	1
275 a	Ditto - - -	- ditto - - -	12 3 -	3	3
275 b	Ditto - - -	- ditto - - -	20 - -	1	1
275 c	Ditto - - -	Near ditto - - -	137 11 -	1,500	- - 550; revised award, 1,436.
275 d	Ditto - - -	- ditto - - -	17 1 -	800	- - 68, excepting parts not sold by Natives; revised award, 170 ½.
	Mr. Joseph Matthews :				
163 a	J. Mathews - - -	Kaitaia - - -	117 10 -	800	- - 470, excepting parts not sold by Natives; revised award, 306 ½.
	Mr. Richard Matthews:				
164	R. Mathews - - -	Kaitaia - - -	179 8 -	00	- - 718, excepting parts not sold by Natives; revised award, 479 ½.
	Mr. James Preece - - -	- - - nil.	-		
	Mr. W. G. Puckey :				
325 a	W. G. Puckey - - -	Kaitaia - - -	171 10 -	800	- - 686, excepting parts not sold by Natives; revised award, 429.
	Mr. James Shepherd :				
333 a	J. Shepherd - - -	Near Waimate - - -	620 10 -	6,000	- - 2,482, excepting parts not sold by Natives.
333 c	Ditto - - -	Kiri Kiri, Bay of Islands -	40 - 6	400	160, ditto.
333 d	Ditto - - -	Okura - - -	55 2 6	400	220
333 e	Ditto - - -	Wangaroa - - -	49 16 -	30	30
333 f	Ditto - - -	- ditto - - -	17 15 6	30	30
	Mr. James Stack - - -	- - - nil.	-		
	Mr. J. A. Wilson - - -	- - - nil.	-		
	Mr. J. Kemp, on behalf of families of members of Church Missionary Society.	-			
309, 309 a	J. Kemp, on behalf of families of seven of the members of the Church Missionary Society.	Kiri Kiri - - -	740 - 6	3,100	2,960
	Mr. R. Davis, on behalf of families of members of Church Missionary Society.	-			
330	R. Davis, on behalf of the families of seven of the members of the Church Missionary Society.	Waimate - - -	206 - -	500	500
	Mr. W. Baker :				
256 a	W. Baker - - -	Wangaroa - - -	223 - -	10,000	- - 892; revised award, 557 ½.
256 b	Ditto - - -	- ditto - - -	20 2 6	15	15

Number of Case.	NAME OF CLAIMANT.	WHERE SITUATED.	Consideration.	Quantity Claimed.	Quantity Granted.
	Mr. J. Baker :		£. s. d.	acres.	acres.
40	J. Baker - - -	Hokianga River - -	14 9 6	1,000	- - 58; revised award, 232.
40 b	Ditto - - - -	- - ditto - - -	85 13 6	1,000	- - 343: ditto, 490.
129	J. Kelly, J. P. Lloyd, J. Baker, and T. Hollingsworth.	Hokianga - - -	73 8 6	2,000	- - 294, excepting parts not sold by natives.

Note.—The amounts given above as revised awards are taken from the New Zealand Gazette of the 6th September 1843.

Colonial Land and Emigration Office, }
11 June 1845.

S. Walcott, Secy.

(B.)

LIST of CLAIMS before Adjudication, made by or on behalf of Parties named in the Order of the House of Commons, of the 2d June 1845, extracted from the *New Zealand Government Gazettes* of 1841, 21st July, 25th August, 8th September, 3d November, 10th November, 24th November, and 22d December; 1842, 5th January, 6th April, 4th May, 11th May, 17th August, Supplement, and 28th September; and 1843, 5th April, Supplement, 12th April, Supplement, and 6th September, Supplement.

Note.—There does not appear to have been any Gazette published on the 1st December 1841, and the Gazette of the 7th December 1842 has not been forwarded to this Office.

Date of Gazette.	No. of Claim.	CLAIMANT.	CONTENTS, &c. OF LAND CLAIMED.	Consideration given to the Natives.
8 Sept. 1841	256	William Baker - -	- - A piece of land at Kororarika (contents not stated), having a frontage to Kororarika Beach of 110 feet, and a depth of 192 feet.	Not stated.
Ditto -	256 c	Ditto - - -	Wai-koura; 15 acres more or less - -	Not stated.
Ditto -	269 a	W. T. Fairburn -	Keri Keri River; 400 acres - - -	- - Merchandize, to the amount of about 10 <i>l</i> .
3 Nov. 1841	299 h	Rev. H. Williams, on behalf of the Church Missionary Society.	- - A portion of land called Waitaia, situated to the west of Paihia, and adjoining that settlement, extending from the point called Nihonui to the point called Taumatamota, on the west; bounded on the north by the sea, and on the south by a range of hills extending from Kaihatiki to Paihia.	- - Merchandize, to the value of 37 <i>l</i> . 7 <i>s</i> .
Ditto -	299 m	Richard Davis, on behalf of the Church Missionary Society.	- - A portion of land situated at the Kawa-Kawa, about 12 miles S. S. E. from Kororarika.	- - Merchandize, to the value of 8 <i>l</i> . 17 <i>s</i> .
24 Nov. 1841	300 d	S. H. Ford - - -	- - Presumed to be the same claim as the second of the two marked 300c, in the extract from the schedule.	-
Ditto -	300 e	Ditto - - -	- - 2,000 acres on the Ananni River, about 20 miles north of Doubtless Bay, known by the name of Okiori or Wangatane.	- - A mare, and 35 <i>l</i> . sterling.
Ditto -	299 n	J. Kemp, on behalf of the Church Missionary Society.	- - A portion of land near the source of the Keri Keri River, known by the name of Keri Keri.	Not stated.
Ditto -	299 o	Ditto - - -	- - A portion of land, extent not stated, adjoining the preceding.	- ditto.
22 Dec. 1841	360	John Alexander Wilson, of Tauranga, James Stack, and Rev. A. N. Brown.	- - 3,840 acres, more or less, at Opotiki, on the east coast.	- - Merchandize, valued at 400 <i>l</i> .
5 Jan. 1842	373	J. Hamlin - - -	42 acres, more or less, at Waimate - -	- - Merchandize, to the amount of 16 <i>l</i> .
4 May 1842	394	James Preece - -	- - A piece of land at Coromandel Harbour, known by the name of Tiki.	Goods and money, amounting to 360 <i>l</i> .
Ditto -	394 a	Ditto - - -	- - A piece of land known by the name of Kauri, separated from the preceding claim by the Waiaa Creek.	
11 May 1842	373 b	J. Hamlin, for Church Missionary Society.	- - 200 acres, more or less, known by the name of Orua, near the south head of Manukau.	- - Goods, to the value of 79 <i>l</i> .
17 Aug. 1842	163	Joseph Matthews -	1,500 acres, more or less, at Kaitaia - -	Cash, 20 <i>l</i> . sterling.
Ditto -	223	Rev. R. Taylor -	- - A tract called Kapawarna, extending from the Reinga to Matapia, and thence to Muri Motu.	- - Cash and goods, to the amount of 312 <i>l</i> .

(continued)

RETURNS RELATIVE TO THE

Date of Gazette.	No. of Claim.	CLAIMANT.	CONTENTS, &c. OF LAND CLAIMED.	Consideration given to the Natives.
17 Aug. 1842	256 c	Wm. Baker - -	15 acres, more or less, at Waikoura - -	Not stated.
Ditto -	325 b	W. G. Puckey - -	-- 100 acres, more or less, at Okinaiti, near Renganna.	£. 3 sterling.
Ditto -	333	James Shepherd -	-- 2,000 acres, more or less, at Tauranga, near Wangaroa.	-- Cattle and goods, value 207 <i>l.</i> sterling.
Ditto -	333 b	Ditto - - -	4,000 acres, more or less, at Parvengiora -	-- Goods, value 5 <i>l.</i> 18 <i>s.</i> 4 <i>d.</i> sterling.
Ditto -	40 a	John Baker - -	-- 1,200 acres, more or less, east side of Monghamuka.	Cash, 12 <i>l.</i> sterling.
28 Sept. 1842	444	T. Chapman, on behalf of Church Missionary Society.	-- 500 acres, more or less, on the north side of Puriri River.	-- A quantity of merchandize, and 20 dollars.
Ditto -	444 a	Ditto - - -	20 acres, more or less, at Matamata - -	-- Merchandize, value not stated.
Ditto -	444 b	Ditto - - -	-- 200 acres, more or less, on the east bank of the Thames.	- ditto.
Ditto -	444 c	Ditto - - -	30 acres, more or less, at Tauranga - -	- ditto.
Ditto -	444 d	Ditto - - -	1,000 acres, more or less, at Tauranga - -	-- One heifer and merchandize, value not stated.
Ditto -	444 e	Ditto - - -	-- A piece of land, being portion of a purchase of 1,000 acres, situate at Waikato.	-- Merchandize, value not stated.
Ditto -	444 f	Ditto - - -	-- ditto - - - - -	- ditto.
Ditto -	444 g	Ditto - - -	-- A piece of land at Manukau, containing, with the two preceding claims, 1,000 acres.	Not stated.
Ditto -	444 h	Ditto - - -	-- A piece of land at Roturoa, being part of a block of 600 acres, more or less.	-- Merchandize, value not stated.
Ditto -	444 i	Ditto - - -	-- A piece of land, forming, with the preceding, a block of 600 acres, more or less.	- ditto.
5 April 1843	276	James Preece - -	-- A piece of land, contents not stated, at Coromandel Harbour, called the Tiki.	-- Cash and merchandize, value not stated.
Ditto -	276 a	Ditto - - -	Ditto, called the Kouri - - - -	- ditto.
12 April 1843	435	James Stack - -	-- 300 acres, called Poctawa, on the banks of the Awara.	-- Alleged to have been given to the claimant.

Colonial Land and Emigration Office,
11 June 1845.

S. Walcott, Secy.

— No. 2. —

“EXTRACT of so much of a NOTICE, dated Colonial Secretary's Office, *Auckland*, 22 May 1844, and published in the *New Zealand Government Gazette* of 23 May 1844, as relates to Deeds of Grants being ready for delivery to Mr. *George Clarke*, the Chief Protector of Aborigines in *New Zealand*; together with a Copy of the Notice, dated Colonial Secretary's Office, *Auckland*, 8 May 1844, and published in the same Gazette, on the subject of Surveying the Boundaries of Lands awarded by the Commissioners of Land Claims to the respective Claimants; and a Copy of the Form of Deed annexed to the Notice last mentioned.”

EXTRACT of so much of a NOTICE, dated Colonial Secretary's Office, *Auckland*, 22 May 1844, and published in the *New Zealand Government Gazette* of 23 May 1844, as relates to Deeds of Grant being ready for delivery to Mr. *George Clarke*, the Chief Protector of Aborigines in *New Zealand*.

THE undermentioned deeds of grant are now lying at this office, and will be delivered to the grantees on application on or after Monday, the 27th instant. In cases where it is impossible for the grantee to attend in person to receive his deed, it will be delivered to the bearer of an authority according to the subjoined form, certified by a magistrate, or by a solicitor of the Supreme Court :

Form of Authority for a Deed of Grant on an approved Claim to Land.

I HEREBY authorize *A. B.*, of _____ to receive the Deed of Grant in my favour for land claim, Case No. _____

Witness,
Signature of a magistrate, or of a }
solicitor of the Supreme Court.

Signature of grantee.

* * * *

Near Waimate.

42. George Clarke. Claim said to contain 1,500 acres, being Claim No. 286.
 43. George Clarke. Claim said to contain 4,000 acres, being Claim No. 286 (a).

COPY of the NOTICE, dated Colonial Secretary's Office, *Auckland*, * 8 May 1844, and published in the same Gazette, on the subject of Surveying the Boundaries of Lands awarded by the Commissioners of Land Claims to the respective Claimants; and a Copy of the Form of Deed annexed to the Notice.

Colonial Secretary's Office, *Auckland*,
 9 May 1844.

HIS Excellency the Governor directs it to be notified that, under the existing circumstances of the colony, it is impossible for the government to survey the boundaries of all lands awarded by the Commissioners of Land Claims to the respective claimants without causing such extreme delay as would be ruinous to the parties interested, and most detrimental to the welfare of the colony.

Deeds of grant, according to the following form, will be filled up by such descriptions of the lands and their boundaries as are furnished by the Commissioners in their reports; and the Governor urges strenuously on the claimants the absolute necessity of their having a survey made of the lands granted to them, in conformity with the descriptions in such grants, as soon as possible, in order to avoid future doubts and litigation.

(By command.)

(signed) *Andrew Sinclair*,
 Colonial Secretary.

VICTORIA, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland* Queen, Defender of the Faith, and so forth: To all to whom these Presents shall come, greeting.

WHEREAS one of Our Commissioners appointed to hear, examine, and report upon claims to land obtained by purchase from the aboriginal inhabitants of the colony of New Zealand, has reported that *A. B.* is entitled to receive a grant of [1,000 acres] of land, particularly mentioned and described in Claim No. [490 z].

Now, know ye, That We, of Our special grace, for Us, our heirs and successors, do hereby grant to the said *A. B.*, his heirs and assigns, all that allotment or parcel of land in our said territory said to contain [1,000 acres, more or less,] situated [on the *Wairoa River*], and of which the boundaries are [reported to be as follows: namely, From the north side of the mouth of a creek called *Otaru*, along the north bank of that creek to its head, thence due north by the compass to the summit of a ridge called *Ota*, thence along the said ridge eastward to a peaked hill called *Tara*, and thence in a straight line to the nearest bank of the *River Wairoa*], with all the rights and appurtenances whatsoever thereto belonging; to hold unto the said *A. B.*, his heirs and assigns for ever.

In testimony whereof We have caused this Our grant to be sealed with the seal of Our said territory,

Witness, Our trusty and well-beloved [*Robert Fitzroy*], esquire, Governor and Commander-in-Chief of Our said territory and its dependencies, at Government House, *Auckland*, in New Zealand aforesaid, this
 day of in the year of our reign, and in the
 year of our Lord One thousand Eight hundred and

Robert Fitzroy.

By command of his Excellency.

Andrew Sinclair, Colonial Secretary.

* Note.—The notice which appears to be referred to, is dated the 9th May 1844.

— No. 3. —

“COPIES of Three PROCLAMATIONS regarding the Pre-emption of LAND in *New Zealand*, dated respectively 26 March, 1 October, and 10 October 1844, and published in the *New Zealand Government Gazettes* of 26 March, 5 October, and 10 October of the same year.”

PROCLAMATION.

26 March 1844.

By His Excellency *Robert Fitzroy*, Esq. Captain in Her Majesty's Royal Navy, Governor and Commander-in-Chief in and over the Colony of New Zealand, and Vice-Admiral of the same, &c. &c. &c.

FROM this day, until otherwise ordered, I will consent, on behalf of Her Majesty the Queen, to waive the right of pre-emption over certain limited portions of land in New Zealand, on the following conditions :

1. Application is to be made in writing to the Governor, through the Colonial Secretary, to waive the Crown's right of pre-emption over a certain number of acres of land at or immediately adjoining a place distinctly specified ; such land being described as accurately as may be practicable.

2. The Governor will give or refuse his consent to waive the Crown's right of pre-emption to a certain person, or his assignee, as his Excellency may judge best for the public welfare, rather than for the private interest of the applicant. He will fully consider the nature of the locality ; the state of the neighbouring and resident natives ; their abundance or deficiency of land ; their disposition towards Europeans, and towards Her Majesty's Government ; and he will consult with the Protector of Aborigines before consenting, in any case, to waive the right of pre-emption.

3. No Crown title will be given for any Pah, or native burying-ground, or land about either, however desirous the owners may now be to part with them ; and, as a general rule, the right of pre-emption will not be waived over any land required by the aborigines for their present use, although they themselves may now be desirous that it should be alienated.

4. The Crown's right of pre-emption will not be waived over any of that land near Auckland which lies between the Tamaki road and the sea to the northward.

5. Of all land purchased from the aborigines in consequence of the Crown's right of pre-emption being waived, one-tenth part, of fair average value, as to position and quality, is to be conveyed by the purchaser to Her Majesty, Her heirs and successors, for public purposes, especially the future benefit of the aborigines.

6. All transactions with the sellers, all risks attendant on misunderstandings, on sales made improperly, or on incomplete purchases, must be undertaken by the buyers until their respective purchases have been allowed and confirmed by grants from the Crown.

7. As the Crown has no right of pre-emption over land already sold to any person not an aboriginal native of New Zealand, and whose claim is or may be acknowledged by a Commissioner of Land Claims ; no grant will be issued to any other than the original claimant or his representative, whose claims have been, or may be investigated by a Commissioner, and recommended by him to the Governor for a grant from the Crown.

8. As a contribution to the Land Fund, and for the general purposes of Government, fees will be demanded in ready money, at the rate of 4s. per acre for nine-tenths of the aggregate quantity of land over which it may be requested that the Crown's right of pre-emption may be waived.

These fees will be payable into the treasury on receiving the Governor's consent to waive the right of pre-emption.

And

And on the issue of the Crown grant, after an interval of at least 12 months from the time of paying the above-mentioned fees, additional payments will be required, at the rate of 6s. per acre, in ready money, to be applied to the Land Fund, and for the general purposes of Government.

9. Land so obtained is to be surveyed, at the expense of the purchaser, by a competent surveyor, licensed or otherwise approved of by Government, who will be required to declare to the accuracy of his work, to the best of his belief, and to deposit certified copies of the same at the Surveyor-general's Office, previous to the preparation of a Crown grant.

10. Copies of the deed or deeds conveying such lands are to be lodged at the Surveyor-general's Office as soon as practicable, in order that the necessary inquiries may be made, and notice given in the Maori, as well as in the English Gazette, that a Crown title will be issued, unless sufficient cause should be shown for its being withheld for a time, or altogether refused.

11. The Government, on behalf of the Crown and the public, will reserve the right of making and constructing roads and bridges for public purposes, through or in lands so granted, the owners being fairly compensated by other equivalent land, as settled by arbitration.

12. No Crown grants will be issued under the foregoing arrangements to any person or persons who may be found to have contravened any of these regulations; and the public are reminded that no title to land in this Colony, held or claimed by any person not an aboriginal native of the same, is valid in the eye of the law, or otherwise than null and void, unless confirmed by a grant from the Crown.

Given under my hand, and issued under the public seal of the colony, at Government House, Auckland, this 26th day of March, in the year of our Lord 1844.

(L. S.)

Robert Fitzroy, Governor.

By command,

Andrew Sinclair, Colonial Secretary.

GOD SAVE THE QUEEN!

PROCLAMATION.

1 October 1844.

By his Excellency *Robert Fitzroy*, Esq. Captain in Her Majesty's Royal Navy, and Governor and Commander-in-chief in and over Her Majesty's Colony of *New Zealand* and its Dependencies, and Vice Admiral of the same, &c. &c. &c.

WHEREAS, by a proclamation bearing date the 26th day of March 1844, it was notified to the public that the Crown's right of pre-emption would be waived over certain portions of land in New Zealand: and whereas the terms and conditions set forth in such proclamation on which the right of pre-emption would be so waived, have in some cases been disregarded, either by persons making purchases of land from the natives without first duly applying for and obtaining the Governor's consent to waive the right of pre-emption, or by much understating the quantity of land proposed to be purchased from the natives.

Now, therefore, I, the Governor, do hereby proclaim and declare that the Crown's right of pre-emption will in no case be waived by me on behalf of Her Majesty the Queen, in favour of any person who may have purchased, or who shall hereafter purchase land from the natives without complying strictly with the regulations set forth in the said recited proclamation; and that all titles to land in this colony held or claimed by virtue of purchases or pretended purchases from the natives, which shall not be confirmed by a grant from the Crown, are absolutely null and void.

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And

RETURNS RELATIVE TO THE

And I do hereby further declare, that in cases in which the right of pre-emption may have been or may hereafter be waived, the quantity of land to be comprised in and conveyed by a Crown grant thereof, will not in any case allow a range of more than 25 per cent. for any mistake in the estimate of the quantity applied for; and in respect of which the fee of 4s. an acre shall have been paid in compliance with such regulations as aforesaid.

The quantity of land to be conveyed to the purchaser by the Crown grant will, in no case, exceed the number of acres in respect of which the right of pre-emption was first requested to be waived, except upon payment of double fees for the excess.

The first fee of 4s. an acre must be paid within one month of the Governor's consent being obtained; or, in default of payment within that time, such consent will be cancelled, as notified in Gazette of the 23d May last, No. 15.

PROPOSED TABLE of LANDS over which the Crown's Right of Pre-emption has been waived; to be published from Time to Time.

APPLICATION, DATE OF.	Applicant's Name.	Situation of Land.	No. of Acres.	First Fee of 4 s. an Acre.	Date of Consent.	First Fee Paid.	Forfeited for Non-payment.
1 August - -	A. B. of	- At Mount Hobson.	15	£. s. d. 3 - -	7 Aug.	12 Aug.	—
5 August - -	E. F. of	- At Mount Hobson.	25	5 - -	9 Aug.	9 Sept. Fee not paid.	- Cancelled for non- payment within one month.

Given under my hand, and issued under the public seal of the colony, at Government House, Auckland, this 1st day of October, in the year of our Lord 1844.

(signed) *Robert Fitzroy*, Governor.

(By Command.)

(signed) *Andrew Sinclair*,
Colonial Secretary.

GOD SAVE THE QUEEN!

PROCLAMATION.

10 October 1844.

By His Excellency *Robert Fitzroy*, Esq., Captain in Her Majesty's Royal Navy, and Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c.

WHEREAS by a proclamation bearing date the 26th day of March 1844, it was notified to the public that the Crown's right of pre-emption would be waived over certain portions of land in New Zealand: and whereas the terms and conditions set forth in such proclamation on which the right of pre-emption would be so waived have in some cases been disregarded, either by persons making purchases of land from the natives without first applying for and obtaining the Governor's consent to waive the right of pre-emption, or by much understating the quantity of land proposed to be purchased from the natives: and whereas, certain persons have misrepresented the objects and intentions of Government in requiring that a fee should be paid on obtaining the Governor's consent to waive the right of pre-emption, on behalf of Her Majesty, who, by the Treaty of Waitangi, undertook to protect the natives of New Zealand, and, in order to do so,

so, has checked the purchase of their lands while their value was insufficiently known to their owners :

And whereas the evil consequences of misrepresenting the motives of Government, and asserting that to be a mark of oppression, even of slavery, which is in reality an effect of parental care, are already manifest ; and are certain to increase seriously, if the cause be not removed :

And whereas the natives of New Zealand have become perfectly aware of the full value of their lands, and are quite alive to their own present interests, however indifferent at times to those of their children :

Now, therefore, I, the Governor, acting on behalf of Her Majesty the Queen, do hereby proclaim and declare, that from this day no fees will be demanded on consenting to waive the right of pre-emption ; that the fees payable on the issue of Crown grants, under the following regulations, will be at the rate of 1*d.* per acre ; and that, until otherwise ordered, I will consent, on behalf of Her Majesty, to waive the right of pre-emption over certain limited portions of land in New Zealand, on the following conditions :

1. Application is to be made in writing to the Governor, through the Colonial Secretary, to waive the Crown's right of pre-emption over a certain number of acres of land at or immediately adjoining a place distinctly specified ; such land being described as accurately as may be practicable.

2. The Governor will give or refuse his consent to waive the Crown's right of pre-emption, as his Excellency may judge best for the public welfare, rather than for the private interest of the applicant. He will fully consider the nature of the locality ; the state of the neighbouring and resident natives ; their abundance or deficiency of land ; their disposition towards Europeans, and towards Her Majesty's Government ; and he will consult with the Protector of Aborigines before consenting, in any case, to waive the right of pre-emption.

3. No Crown title will be given for any Pah, or native burying-ground, or land about either, however desirous the owners may now be to part with them ; and, as a general rule, the right of pre-emption will not be waived over any land required by the aborigines for their own use, although they themselves may now be desirous that it should be alienated.

4. The Crown's right of pre-emption will not be waived over any of that land near Auckland which lies between the Tamaki road and the sea to the northward, or over any land reserved for the use of the aboriginal natives.

5. Of all land purchased from the aborigines in consequence of the Crown's right of pre-emption being waived, one-tenth part, of fair average value, as to position and quality, is to be conveyed by the purchaser to Her Majesty, Her heirs and successors, for public purposes, especially the future benefit of the aborigines.

6. All transactions with the sellers, all risks attendant on misunderstandings, on sales made improperly, or on incomplete purchases, must be undertaken by the buyers until their respective purchases have been allowed and confirmed by grants from the Crown.

7. As the Crown has no right of pre-emption over land already sold to any person not an aboriginal native of New Zealand, and whose claim is or may be acknowledged by a Commissioner of Land Claims, no grant will be issued to any other than the original claimant, or his representative, whose claims have been, or may be investigated by a Commissioner, and recommended by him to the Governor for a grant from the Crown.

8. Land so obtained is to be surveyed, at the expense of the purchaser, by a competent surveyor, licensed or otherwise approved of by Government, who will be required to declare to the accuracy of his work to the best of his belief, and to deposit certified copies of the same at the Colonial Secretary's Office, previous to the preparation of a Crown grant.

9. Copies of the deed or deeds conveying such lands are to be lodged at the Colonial Secretary's Office as soon as practicable, in order that the necessary inquiries may be made, and notice given in the Maori, as well as in the English

RETURNS RELATIVE TO THE

Gazette, that a Crown title will be issued, unless sufficient cause should be shown for its being withheld for a time, or altogether refused.

10. No Crown grants will be issued until at least 12 months after the receipt at the Colonial Secretary's Office of certified copies of the surveys and deeds of sale above mentioned; and, on the issue of grants, fees at the rate of 1*d.* per acre will be required by Government.

11. The Government, on behalf of the Crown and the public, will reserve the right of making and constructing roads and bridges for public purposes through or in lands so granted, the owners being fairly compensated by other equivalent land, as settled by arbitration.

12. No Crown grants will be issued under the foregoing arrangements to any person or persons who may be found to have contravened any of these regulations; and the public are reminded, that no title to land in this colony, held or claimed by any person not an aboriginal native of the same, is valid in the eye of the law, or otherwise than null and void, unless confirmed by a grant from the Crown.

Given under my hand, and issued under the public seal of the colony, at Government House, Auckland, this 10th day of October, in the year of our Lord 1844.

(L.S.)

(signed) *Robert Fitzroy*, Governor.

By command,

(signed) *Andrew Sinclair*, Colonial Secretary.

GOD SAVE THE QUEEN !

— No. 4. —

“ COPIES of all AWARDS made by Mr. *Spain*, Commissioner of Land Claims in *New Zealand*, upon Claims preferred by or on behalf of the NEW ZEALAND COMPANY; together with the Decisions of the Local Government thereon respectively.”

No copies of any awards made by Mr. *Spain* have been yet received.

— No. 5. —

RETURN of all Sums of MONEY Paid by the Agents of the NEW ZEALAND COMPANY to or for the Use of the Aboriginal Inhabitants of *New Zealand*, under the Directions of the Local Government, or of Mr. *Spain*, the Commissioner of Land Claims, or of Mr. *George Clarke*, senior, Chief Protector of Aborigines, or of Mr. *George Clarke*, junior, Sub-Protector; showing the Date and Amount of each Payment, to whom Paid, on what Account, and in what Manner Distributed or Applied.

Date of Payment.	Amount Paid.	To whom Paid.	To whom Paid, on what Account, and in what Manner Distributed or Applied.
16 April 1844	£. 1,500	Aborigines of Port Nicholson District.	- - Compensation to the unsatisfied native claimants of the Port Nicholson District.
31 July 1844	2,400	The Ngaitahu Tribes at Otago.	- - Purchase of a tract of 150,000 acres of land at Otago.
25 Nov. 1844	350	Taranaki.	- - Compensation and completion of payment for a block of land at and around the town of New Plymouth, containing about 3,500 acres.
Nov. 1844	400	The Chiefs Rauparaha and Rangheaita.	- - Compensation for unsatisfied claims to lands.

— No. 6. —

“COPIES of a MEMORIAL from the Landowners resident in the District of *Port Nicholson, New Zealand*, to the Right honourable Lord *Stanley*, Principal Secretary of State for the Colonies, on the subject of a Proclamation issued by Governor *Fitzroy*, dated 10 October 1844; and of all CORRESPONDENCE between the Colonial Office and Dr. *Evans*, on the subject of a Copy of that Memorial which Dr. *Evans* has been deputed to present.”

MEMORIAL.

To the Right Hon. Lord *Stanley*, Principal Secretary of State for Her Majesty's Colonies, &c. &c.

May it please your Lordship,

THE undersigned landowners, resident in the district of Port Nicholson in New Zealand, beg respectfully to call your Lordship's attention to a proclamation published in the Government Gazette of this colony, on the 6th of October last, by which we conceive that an Act of Parliament, the 5 & 6 Vict. c. 36, is attempted to be set aside or evaded; a fundamental article of what is called the Treaty of Waitangi, in favour of the prerogative, and essential to the well-being of the natives, no less than of the Europeans, abandoned; the Land Claims Ordinance of this colony (anno 4 Vict. No. 2) virtually repealed, and new principles introduced for regulating the acquisition and disposal of waste lands, subversive of those established by the Act of Parliament, and pregnant with all the evils which that Act was intended and so well calculated to remedy.

We will not presume to acquaint your Lordship with the contents of the Act of Parliament referred to, because we believe that it was framed under your Lordship's own special superintendence; nor will we enumerate any of the grounds which induced the Legislature to adopt it, since it is impossible that they could be stated more forcibly or impressively than they have been in the despatch (15th September 1842, No. 69) with which your Lordship transmitted the Act in question to the late Governor of this colony.

These principles had been laid down by the Marquis of Normanby in his instructions to Captain Hobson (dated August 14, 1839); they were publicly asserted by Sir George Gipps, as applicable to these islands when dependencies of New South Wales; they have been assumed and acted upon in every legislative and administrative proceeding in this colony until recently, and the whole amount of capital and labour imported into it has been solely on the faith of these regulations. We have reminded your Lordship of these facts, because, although the Act was not passed till two years ago, it merely gave stability and permanence to a system that had already been acted upon from the foundation of the colony.

We will not repeat what your Lordship has said so impressively concerning “the protracted discussions” and well-grounded complaints which led to this careful piece of legislation, or the unanimous approval of it by all persons, whether in or out of Parliament, “to whose judgment on such topics any peculiar authority was due;” but what afforded us the greatest satisfaction was the pledge given to us, in the following remarkable words, for the perpetuity of the law:

“Of those advantages, not the least important will be found in the guarantee at length given for stability and consistency of purpose, in the administration of the land and the land revenues of the Crown, in New Holland and the adjacent islands. It is, of course, impossible that the system now established should be changed by any authority but that of Parliament. Her Majesty's Government have had no difficulty in advising the Queen thus to relinquish a power which experience has shown not to be unattended with the risk of immature and precipitate resolutions.”

We trust we shall be acquitted of any intentional disrespect to his Excellency the Governor of this colony, when we say that this is one of the occasions on which we feel all the wisdom and all the force of those observations of your Lordship, and have a right to demand protection against “immature and precipitate resolutions.”

We have been informed that the justification that will be pleaded for this measure is, that the Act of Parliament is inapplicable to this colony, inasmuch as there are no Crown lands for it to be brought into operation upon; that the lands not yet purchased of the aborigines do not come under that or any other denomination that brings them within the scope of the Act; that there is a way by which these lands can pass from the aborigines to the white men, through the intervention of the Crown, and be confirmed by a Crown grant on payment of 1*d.* per acre, without their ever coming under the description of "waste," or "unsettled," or "unappropriated," or "Crown lands," or "demesne lands" of the Crown, or any other of those designations by which a fraudulent ingenuity was anticipated, or without acquiring, *in transitu*, any of those properties which would bring them under the control of the Commissioners of Crown Lands and Emigration.

If we could suppose, for one moment, that your Lordship would permit so grave and momentous a question to become a subject of verbal criticism, we should not fear being able to show that the interpretation clause of the Act (sect. 23) is so framed as to render it impossible to legalize the proclamation, except under another act of the Imperial Parliament, which would, of course, contain a provision to indemnify the sufferers by the change. The Act provides (sect. 23) that by the words "waste lands of the Crown, as used in the present Act, are intended and described any lands situate therein," *i. e.* in the colonies enumerated, of which New Zealand is one, "and which now are, or shall hereafter be vested in Her Majesty, Her heirs and successors, and which have not been already granted, or lawfully contracted to be granted, to any person or persons, in fee simple," &c. &c. From which we necessarily infer that "waste land," in the language of the law, is simply that which, at the passing of the Act, had "not been granted or contracted to be granted by the Crown," and which—leaving for the present the aborigines out of the question, and their legal disability to sell—was intended to operate as a restriction upon the acquisition by purchasers of any land not previously granted by the Crown, except upon the sole condition of contributing to the land revenue as by the Act provided. That such was the understanding of the words "waste land" by Her Majesty's Government is apparent from the use made of them by the Marquis of Normanby, in his despatch, dated August 14th, 1839: "Having by these methods obviated the danger of the acquisition of large tracts of country by mere land jobbers,—the danger which now threatens us on a gigantic scale,—it will be your duty to obtain, by fair and equal contracts with the natives, the cession to the Crown of such waste lands as may be progressively required for the occupation of settlers emigrating to New Zealand. All such contracts should be made by yourself, through the intervention of an officer appointed to watch over the interests of the aborigines as their protector." And, again, in the same despatch, his Lordship adds, "The system at present established in New South Wales regarding land will be applied to all the waste lands which may be acquired by the Crown in New Zealand."

We might multiply references to despatches of your Lordship and your predecessors, to show that there is one sense only in which the law has been understood and enforced in this colony; but the proclamation itself contains throughout the fullest admissions of what we are now contending for, and concludes with these words: "The public are reminded that no title to land in this colony, held or claimed by any person not an aboriginal native of the same, is valid in the eye of the law, or otherwise than null and void, unless confirmed by a grant from the Crown." The effect of his Excellency's proclamation is, therefore, simply to reduce the minimum price of land from 1*l.* to 1*d.* per acre, leaving the purchaser to pay to the natives what would generally be a nominal price. It dispenses with the intervention of the protector, except as an adviser; leaves the surveys to be effected, not by the surveyor-general of the colony, but "by a competent surveyor licensed or otherwise approved of by the Governor," not specifying in what way this new patronage is to be exerted; and by another proviso leaves the whole power of conceding or withholding the permission to buy at all, or at any given place, or to what extent, and under what circumstances, entirely to the arbitrary will of the Governor and the protector of aborigines.

We have referred to the proclamation itself on this occasion, principally to show the admissions which it contains of the necessity of a Crown grant, and of the

the demand of a price, though a nominal one,—admissions, we submit, fatal to the legality of the whole proceeding. If the local government had said, “We do not approve of the principles asserted by the Act of Parliament; our experience, during the last six months, in the northern part of this island, together with the advice of gentlemen desirous of becoming landed proprietors in the colony, has led us to different conclusions from those which a larger induction of facts, collected from numerous colonies, through long tracts of time, has brought Her Majesty’s Government at home; and, therefore, we will do nothing to enforce them; we merely regard them as a nullity; we have received public instructions to allow no purchases to be made except by us, through the intervention of a protector; but we will not interfere at all, we will leave all parties to make their own bargains with the natives, and to take the benefit of them for so much as they may be worth;”—even then there might have been an air of consistency in the proceeding; but the local government does no such thing—it recognises the necessity for a Crown grant and demands a price.

We have spoken of the legal impossibility of a white man receiving from the Crown a grant of land, in fee simple, except on the terms prescribed in the Act; perhaps your Lordship will excuse us if we direct your attention to the impossibility of the natives conveying that which they have not in contemplation of law,—an estate of freehold in the soil. In order to this, we need only refer to those numerous citations of what may be termed the common law of the colonies, which are scattered so plentifully through the Parliamentary documents on the subject of New Zealand. We there find an American case (*Johnson v. M’Intosh*) argued and adjudged on the authority of the common law, (reported by Wheaton) containing all the ancient cases, and leading to the conclusion “that all the lands of a savage people belong to the sovereign power, subject to their use and occupation.” We find Sir George Gipps contending for this principle, in his masterly address to the Legislative Council in New South Wales, making it the groundwork of his wise and statesmanlike measures for New Zealand. In fact, the principle has so often been asserted by her Majesty’s Government, with reference to New Zealand, that, even supposing it to be a novelty, we should have a right to consider it as fixed and unalterable in this colony. The principle seems to have been that a civilized power taking possession of a country containing an uncivilized people, shall not be bound to invent for them any artificial territorial rights, depending on positive law, and requiring the aid of the sovereign power to sustain and enforce them; but shall merely guarantee them in the maintenance of what they had enjoyed in the state of nature, that is, the right of using and occupying, without let or hindrance, so much of the land as was at any time necessary for their subsistence. But an estate of freehold in the soil, according to our notions of it,—susceptible of transfer and all the other incidents of real property, as derived from certain fundamental positions assumed by our law,—is what cannot subsist in a state of nature, and certainly never subsisted among the natives of New Zealand prior to the introduction of British law. We state this to your Lordship very confidently, as we are witnesses to the facts, although we are aware that persons, whose interest it is to trace their title to the aborigines rather than to the Crown, have ascribed to them notions of European origin and abhorrent to the usages of their primitive state. The fact is, that a population of 100,000 natives, scattered round the sea coast of several islands, comprising a territory as large as Great Britain, had no other notion of landed property than, as between the tribes, that one should not encroach upon the boundary of another; and between individuals, that every man being at liberty to cultivate any piece of ground that was unoccupied, had a right to exclude any other man from appropriating the results of his labour. With respect to their bargains with Europeans, we have no doubt that their original notion of a sale was that of admission to the privileges of a tribe, and that, having once permitted a European to land and reside among them, they could not conceive of any more reason for debarring him from the use and occupation of as much land as he required, than for putting a restriction on his consumption of air or water. They had a notion, which might be termed intuitive, that they had a right to all the fruits of their labour, in whatever way it had been impressed upon or blended and incorporated with the soil, and that they had a right to secure this, as well as the safety of their persons, by repelling their enemies beyond some natural boundary. And these primitive sentiments of right and wrong have been respected, and, if we may so speak, consecrated, by the British Government.

In the instructions given by Her Majesty to Captain Hobson under the sign manual, dated at Buckingham Palace the 5th December 1840, it is laid down "that nothing in the said charter 'for erecting the colony of New Zealand' shall affect, or be construed to affect, the rights of any aboriginal natives of the said colony, to the actual occupation or enjoyment, in their own persons, or in the persons of their descendants, of any lands in the said colony then actually occupied or enjoyed by such natives." We beg your Lordship's most earnest attention to these emphatic words, which require no comment or explanation, as showing how little Her Majesty's Government intended to establish for the natives a claim to so many millions of acres which they never had used or occupied, still less to confer upon them a power of conveying such lands, after having confined the acknowledgment of the right wholly to the actual, and not the imaginary or constructive, occupation or enjoyment thereof, "in their own persons or in the persons of their descendants," excluding all conveyances or assignments, and adding these words, "of any lands in the said colony then actually occupied or enjoyed by such natives." We would respectfully submit to your Lordship that these words go beyond what we have suggested, and were intended to limit the right of the natives to the lands in actual use and occupation at the time referred to in the instructions.

This view, which is in strict accordance with the usages of the natives, the law of nations, and the common law of the plantations, is not in any sense repugnant to the Treaty of Waitangi, which we acknowledge as a fundamental law in this colony. This treaty simply and absolutely confirmed and assured to them all their territorial rights, as they existed prior to the acquisition of the sovereignty by the Queen; but it never undertook to confer upon them new qualities which they did not possess before. Their rights were regarded by the British Crown as wholly personal, and not in any manner communicable or transferable to British subjects; and as such they remain unaffected by the treaty, neither increased nor diminished, neither extended nor mutilated, but the Queen reserves to herself the sole right of pre-emption, that is, the right of extinguishing by purchase the native title to whatever rights they may possess, the question of what those rights are being unaffected by the treaty.

That this is the true interpretation of the Treaty of Waitangi we learn from the Land Claims' Ordinance, which, having been framed and passed by the same persons who negotiated that treaty, and confirmed by Her Majesty's Government, after a full and elaborate correspondence, may be considered as authoritative on the subject, even as a matter of history; but it is now the law of the land; it is the most essential, and the most pregnant with legal consequences, of all the enactments that ever have been made or can be made in this colony, and it affirms the following principle:

"That all unappropriated lands within the said colony of New Zealand, subject however to the rightful and necessary occupation and use thereof by the aboriginal inhabitants of the said colony, are and remain Crown or domain lands of Her Majesty, Her heirs and successors, and that the sole right of pre-emption from the said aboriginal inhabitants vests in, and can only be exercised by Her said Majesty, Her heirs and successors. The Queen's right of pre-emption of course extends to all which the natives had a right to sell, namely, their personal right to 'the rightful and necessary' (not the unreasonable or capricious) 'occupation and use thereof,' and not to that which did not belong to them, because it is the creature of positive law, the domain (the power of creating a transferable estate) which was vested in the Queen, *ipso facto*, whether she willed it or no, the moment she acquired the sovereignty.

If it were not for these grounds, we cannot understand why the Land Claims' Ordinance was passed at all, or how Her Majesty's Government could justify any interference with purchases made from the natives.

We have said enough, perhaps, to satisfy your Lordship of the illegality of the proclamation, and we might add much upon the injustice and impolicy of it; but we consider it to be so injurious, we might say so destructive, in its tendency, and so irreconcilable with good faith, that we should fear to commit ourselves did we venture to express what we feel.

The adoption of those principles of colonization by the Government, afterwards embodied in the Act of Parliament, inspired so much confidence that no less than

10,000

10,000 British subjects have been located in Cook's Straits within these four years, at the expense of a body of landowners, through the agency of the New Zealand Company, and a capital amounting to at least one million sterling has been invested, in that and other operations connected with the object, of which sum a quarter of a million sterling has been paid to the New Zealand Company for land, at the rate of 20s. to 30s. per acre. This has been done with the approval of Her Majesty's Government, upon the faith which we put in the honour and integrity of that Government, and especially so in the stability of those land regulations so recently and so solemnly promulgated.

Your Lordship is aware that land is, in a manner, the staple commodity of every new country, and that whatever affects the value of it must be vital to the interests of such a community. An artificial standard of value has been created by the law, for wise and beneficent purposes. We have invested our capital and our industry to what may be considered an enormous amount, on the supposition that the minimum price of waste land was as secure from being tampered with as an Exchequer bill or a note of the Bank of England; and we should no more have expected a proclamation from his Excellency, virtually reducing the minimum price of land to 1d. an acre, than we should to have found him providing that all debts should be paid by a composition of one penny for every pound sterling,—a consequence which, in the case of landowners, will probably follow in fact from the issuing of this proclamation, if sanctioned by the Legislature.

Sanctioned it will not be, we feel assured, while your Lordship remains at the head of the Colonial Department, or while the Government retains any regard for its own honour or consistency. At all events, if the Government is determined to change its policy, if the Act of Parliament is to be repealed or evaded, we have only to implore that another Act may be passed, indemnifying us, by refunding the whole of the capital which we have invested in these islands. We are confident it will not be sanctioned, because we believe in the justice and sincerity of Her Majesty's advisers. We are sure that the Government will adhere to its own engagements, and will not seek to escape from them, by any subterfuge or indirect proceeding. It is with extreme pain, therefore, we find the proclamation assuming that which your Lordship knows is contrary to the fact, namely, that the object of the article in the Treaty of Waitangi, which reserved the right of pre-emption to the Queen, was to check the purchase of lands from the natives, while their value was insufficiently known to their owners, but that the time has arrived when "the natives of New Zealand have become perfectly aware of the full value of their lands, and are quite alive to their present interests, however indifferent at times to those of their children." Your Lordship well knows, and no one could be ignorant of it who had read the published documents on New Zealand, that the object was to secure to New Zealand the application of those principles of colonization embodied in the Act of Parliament which passes by your Lordship's name.

We have no doubt that the proclamation will be disowned, and all proceedings under it summarily quashed, so soon as it comes to the knowledge of your Lordship; but, in the meantime, we have to complain of the mischievous effects of its promulgation. Landed property has suffered a sudden depreciation, and the working classes have been seized with a fever of excitement, at the prospect of dispersing themselves through the country, as the owners of estates purchased at the rate of some bauble or trinket by the square mile.

We might solicit your Lordship's attention, not merely to the illegality and injustice, but likewise, more at length than we have done, to the impolicy of the measure, and that on various grounds, but, in so doing, we should only be repeating the arguments your Lordship has furnished us with, both in Parliament and in your despatches to Governor Hobson. We would here repeat nothing about the primary object of the land regulations, which was the putting a restriction upon the undue appropriation of land, we would only request your Lordship to consider the total absence of any sufficient motive for the destruction of a vast prospective revenue. The payment which would be made to the natives, in most cases, we know well would be nominal, and, if not so, would be expended with a recklessness that is characteristic of them. What is then to compensate them, their descendants, and the public, for the destruction of a source of revenue that might ultimately produce as many pounds sterling as there are millions of acres

of waste land in New Zealand? From 15 to 20 per cent. of the land revenue, that is, from three to four shillings per acre; the whole of the balance being spent in some way for the improvement of the colony, in which they participate equally with the white men, is the present endowment for the natives. If his Excellency thinks this too liberal, or that the indulgence of a momentary passion is better than the daily succession of the golden produce which the system afforded, then we can understand the reasons for this otherwise unjustifiable step. If this measure be adopted, "whence," your Lordship will naturally demand, "are the settlers to look for that importation of English labourers which they will soon require? From what fund are roads and bridges to be constructed and maintained, and how are the other charges thrown by the Act upon the land revenue to be defrayed?" Especially when your Lordship finds the customs abolished, in what manner and under what circumstances, it would be exceedingly disagreeable to us to describe,

The injurious effect which this abrogation of the existing system is likely to have on the permanent interests and character of the aborigines, is a consideration which weighs heavily with us, and will lose none of its force when presented to your Lordship's mind. We are, some of us, members of the original New Zealand Association, and we claim some portion of the credit for the invention of a scheme of colonization more favourable to the aborigines than any that preceded it. We first suggested the application of a principle of "definite proportions," to be observed between the land to be reserved for the natives and the amount of population. We have lived four years in Port Nicholson, without a single native having pretended to complain of injury from us. We have not changed our principles or our conduct since the dreadful calamity in the Middle Island. Possessed, as we are, of information which no one in Europe can pretend to, we claim to be, not only the most accurately informed, but the most zealous, of the friends of the aborigines; and, therefore, in their name and on their behalf, we feel called upon to protest against this proclamation being carried into effect.

At the same time that we do this, we invite your Lordship's attention to the evidence afforded by the same Gazette, 10th October 1844, that in issuing grants to claimants before the Land Commissioners, the local Government has exceeded the maximum of 2,560 acres allowed by the Ordinance at present in force. It would be superfluous to do more than to refer your Lordship to your own despatch of the 9th December 1842 (No. 87), in which a second Ordinance, repealing the former one, is disallowed, principally on the ground that this very maximum had been set aside by it. The same despatch contains a summary of the views of Her Majesty's Government on the whole of the land question, and reflects, in a way that cannot be misunderstood, upon the proceedings of the Colonial Legislature.

After all this, can your Lordship be surprised at our dissatisfaction, when we find, for example, that Crown grants are issued in favour of one claimant to the extent of 5,150 acres, and, as we are informed, to other persons to more than double that amount. We ask ourselves, "What confidence is to be placed in the Government, if these things are tolerated; especially when it is believed that these excessive grants happen to be made in favour of persons who have access to the local Government?" Should this impression be a false one, the very fact of its being circulated in the colony, to the extreme discredit of the executive, would be of itself a sufficient reason for your Lordship's refusal of any such discretionary powers.

We regret to state that whatever may be the law, or the instructions from the Home Government, the practice in the northern part of this colony is to grant land with the same prodigality that was done in the worst times in New South Wales, and with the same disastrous consequences. The consideration in the majority of these cases has been, as we have already stated, merely nominal; whilst the expenditure to which we have alluded, of at least one million sterling, by the settlers in Cook's Straits, has not yet entitled them, in the eyes of the local Government, to the grant of one single acre of land.

With respect to any danger from the natives themselves, in case this proclamation had not been issued, we undertake the responsibility of satisfying your Lordship that the supposition is imaginary. That a small number of half-civilized natives may have said something to that effect is possible; but the proclamation contains enough to show that they were merely the blind instruments of the land speculators,

speculators. In fact the whole transaction is so humiliating, that we spare ourselves and Her Majesty's Government the unpleasantness of exposing it in detail, as we are capable of doing.

Having shown the illegality, the injustice, and the impolicy of the measure, we have only to entreat your Lordship still to adhere to the principles you have laid down; to regard the prospective welfare of the natives rather than the indulgence of their momentary feelings, and to enforce upon the executive of this colony implicit obedience to the law and to the instructions of the Home Government.

We have, &c.

My Lord,

Bletchingley, Surrey, 6 May 1845.

I HAVE the honour to acquaint your Lordship that I arrived within these few days from New Zealand, having been deputed to convey to your Lordship the copy of a memorial from a body of my fellow-colonists.

As this document which I have the honour to enclose speaks for itself, I will not trouble your Lordship with any remarks upon it; but it is necessary that I should explain what became of the original, and why it was deemed expedient that a copy should reach your Lordship's hands, by the vessel which brought me directly from the residence of the memorialists to England.

We were perfectly aware of that rule of your Lordship's office, which requires that any complaint against a Governor, made by colonists to the colonial minister, should be transmitted through the Governor, in order to give the officer complained of an opportunity of placing before his superior, at the same time with the charge, any defence which he may have to urge against it.

The memorial itself, at the period of my departure from New Zealand, was prepared for transmission to the seat of government; but there were circumstances which appeared to justify us in seeking a direct communication with your Lordship, and which, we trust, will induce you to take the subject into consideration without waiting for the memorial itself.

In the first place, we cannot suppose that any governor would fail to submit to his principal, without delay, all that he could possibly say in justification of a proceeding so extraordinary, or, consequently, that his remarks on our memorial will throw any new light on the subject. Indeed, as respects matter of fact, there can be no difference between Governor Fitzroy and the memorialists. That he issued the proclamation there can be no manner of doubt, and it is of this act only that we complain.

In the next place, while it was obvious that the most disastrous consequences must ensue if your Lordship's authority did not interpose to prevent Governor Fitzroy from carrying the proclamation into effect, the memorialists, impoverished as they are by the cruel policy which the local government has pursued towards them for several years, could not afford the expense of chartering a vessel, for the express purpose of sending their complaint to Captain Fitzroy, at Auckland, distant 600 miles by sea; and even if they could have defrayed this charge, it was doubtful whether months, or even a year, might not elapse before the Governor would be able to forward the document direct to your Lordship; while the delays of transmitting correspondence through Sydney are perfectly notorious.

But our principal reason for availing ourselves of one of the many opportunities of direct communication between the Company's settlements and England was of a yet graver nature. Besides wishing to make your Lordship aware of the dismay occasioned among the real colonists of New Zealand by this proclamation (however agreeable it may have proved to every class of expectant *land-shark*), months sooner probably than you will hear of it from the Governor, we were influenced by a deliberate opinion, that any dependence upon the treatment which the memorial might receive at Captain Fitzroy's hands—that any reliance upon its being transmitted, however tardily, still without fail, into your Lordship's hands, might prove altogether delusive. We have, as your Lordship will readily conceive, watched the whole course of Captain Fitzroy's conduct, as Governor of New Zealand, with the most anxious attention; and it has become a settled opinion among us, an opinion gradually forced upon us by a long series

of his acts, as well as by his personal demeanour on numerous public occasions, that his mind is in such a state as to preclude any reasonable conjecture as to what his conduct will be in any given circumstances. We think it quite as likely that he may throw our memorial into the fire, or send it back to us with an insulting message, as that he should transmit it to your Lordship. We therefore trusted that your Lordship would consider the present case a fair exception from that general rule of your office to which I have before alluded.

We deeply feel, my Lord, that in using such expressions concerning a gentleman, once of high character and reputation, and who has so largely enjoyed your Lordship's confidence, it is a duty which we owe to your Lordship, as well as to ourselves, to state distinctly the grounds of our opinion.

Before Captain Fitzroy arrived amongst us letters had been received by the agents of the New Zealand Company, and by many of ourselves, which were written for the avowed purpose of impressing us with a favourable opinion of Captain Fitzroy's ability and dispositions. Any prejudices, therefore, with which we met him were altogether in his favour. We understood that he had been selected by your Lordship for the express object of remedying, by means of wisdom and steadiness, the grievous state of things which had been inflicted upon both races in New Zealand by the blunders and vagaries of his predecessors. We were assured that he had gained the confidence of the New Zealand Company, who had planted us in New Zealand, and whom we regarded as our best friends, by means of impressing them with a belief in the gentleness of his character and the soundness of his political opinions as the future ruler of the colony. We accordingly received him with every demonstration of respect. Our first opportunity of observing his Excellency took place at a *levee* which he held immediately after landing at Wellington. After being in his presence for a short time, waiting to be presented in the usual way, his Excellency perfectly astounded us by breaking out into a scolding, not to say abusive, condemnation of our conduct; and by singling out a gentleman by name, whom he bitterly reproached with the crime of having written letters in a newspaper. This gentleman was Mr. E. J. Wakefield, who happened to be distinguished amongst us for his attachment to the natives, and for theirs to him, as well as for the pecuniary sacrifices which he had made for their advantage. Him Captain Fitzroy thus publicly abused as an enemy of the natives. The gross injustice of the reproach therefore surprized us not less than the strange want of decorum and self-respect exhibited by Captain Fitzroy in the whole scene. Even then people said that it appeared as if he were not master of his own actions.

Since then he has enacted a similar scene at the settlement of Nelson, where he publicly and grossly insulted one of the leading colonists, the son of a peer, and a gentleman of undoubted honour, by charging him with falsehood, though there was not a shadow of foundation for the charge.

He has, with an infatuation like total loss of judgment, publicly caressed the perpetrators of the massacre of Wairau, and reproached the memory of his countrymen who fell there; pretending to found his opinion of the conduct of both parties on a speech delivered to him by one of the murderers, but actually reading that opinion from a paper which had been got ready for his use before the speech of the savage commenced.

He has suddenly destroyed the currency of the colony, and exposed every man in it to ruin, by issuing a paper money in very small amounts, and making it legal tender by Ordinance; an act contrary to the most positive instructions, and performed by Captain Fitzroy, I beg your Lordship to observe, not on the plea of some urgent necessity, which, as such, might perhaps have been admitted, but for the reason, as expressed by his Excellency in Council, that he had witnessed the beneficial operation of such a currency in Chili and Brazil, and was desirous of conferring its advantages on New Zealand.

He has saddled the colony with the expense, and exposed his own authority to the ridicule of having sent to New South Wales for a military force in order to punish the authors of an outrage against the government at the Bay of Islands, whom, having first sent away the troops, he rewarded by abolishing all customs duties, for the avowed purpose of gratifying the rioters.

He has, on discovering the impossibility of levying customs duties generally, while permitting the duty-free importation of goods anywhere, suddenly abolished all duties of customs in New Zealand, thus destroying nearly the whole public revenue of the colony at the same time that he destroyed its currency.

He

He has, in pursuance of recent and precise instructions from your Lordship, brought into the council a draught ordinance for establishing a militia; has encouraged the attorney-general and other *ex-officio* members of the council to negative the same; and has then declared in council that if they had carried his own recommendation and your Lordship's instructions into effect, he would have rectified their obedience to your Lordship, and himself as president of the council, by the exercise of his *veto* as Governor.

He has resorted to a mode of taxation which may be described as a fantastic combination of a tax on property and a tax on income; and has declared that he relies wholly upon this property and income tax for raising the public revenue of a community in which such a mode of taxation is contrary to reason, and must be almost wholly unproductive.

He has not taken the slightest notice of the instructions which your Lordship gave to him while in England, whereby he was directed to make to the Company, without further inquiry or question, a *prima facie* grant of the lands claimed by them, but has, on the contrary, arbitrarily adopted modes of proceeding with respect to land titles in the Company's settlements, which are in direct opposition to the said instructions, and of which the adoption was imposed on the Company's agents, directing them to submit in everything to the Governor.

He has frequently and solemnly engaged to settle without delay in the Company's settlements the all-important question of titles to land, and has afterwards invariably conducted himself as if his having made such promises had passed from his memory.

He has, with the intention no doubt of benefiting the natives, made exceptional laws so greatly to their disadvantage, as to preclude safe commercial intercourse and almost every kind of legal bargain between them and the colonists, and thus to preserve them in a state of social inferiority.

He has on various occasions exhibited himself to the natives as the representative of Her Majesty, whose name he uses constantly, even on the most trifling occasions, so that the phrase "My Royal Mistress," which is ever on his lips, has become a bye-word of ridicule with both natives and settlers; issuing grandiloquent threats and promises which every one knew that it was out of his power to perform, and which only exposed him to the laughter of the shrewd savages whom he addressed.

He has been so simple as to give grave and emphatic utterance in council and to the public, to his own undoubted opinion that "Magna Charta does not extend to the colonies."

He has angrily threatened to break up the Company's settlements, which are the only real settlements in New Zealand, and to remove the people to Auckland; saying that he "only waits for a word from your Lordship" to carry the cruel threat into execution.

He has angrily threatened to confiscate lands, the property of absentees, and to give them to the settlers, although the latter have had the benefit of the outlay for public purposes of the purchase-money of such lands to the amount of at least 100,000*l*.

Finally, he has exhibited in his intercourse with the settlers a degree of inconsistency of purpose and inconsistency in action, of suspicion, of inordinate self-esteem, and contempt for others; of fretful irascibility at one time, and of inexplicable self-complacency at another; of forgetfulness of his own recent acts or promises, and of general infirmity of apprehension or conception, such as I am well aware that your Lordship will find it hard to credit, because you have not witnessed the gestures or heard the tones by which his passions were expressed.

I have the honour to be, &c.

Geo. Sam. Evans.

P.S. Being a total stranger to your Lordship, I venture to acquaint you that I am a member of the English Bar (and of Lincoln's Inn), and to refer you for any further information concerning me to Mr. Evans, the Commissioner of Bankruptcy.

My Lord,

44, Han's-place, Sloane-street, 22 May 1845.

I TRUST that I shall not be deemed wanting in respect to your Lordship in now requesting that you will have the goodness to favour me with an answer to my letter of the 6th instant.

The receipt of that letter was acknowledged by Mr. Hope, in a note by which he requested me, by your Lordship's desire, to call upon him at the Colonial-office. I accordingly waited upon him on Friday the 16th, when he favoured me with a very long conversation. In the whole course of this interview, however, Mr. Hope never made the slightest allusion to the memorial to which my letter to your Lordship alone related, but, on the contrary, whenever I attempted to press that subject on his notice, directed the conversation to other topics. Amongst these, the only one upon which Mr. Hope seemed to me to wish to obtain information, was the misconduct of Governor Fitzroy. I imagined during the time that Mr. Hope was earnestly drawing from me minute particulars of the strange behaviour of Captain Fitzroy on various occasions, that his object was to see whether it was in my power to fortify those statements concerning Governor Fitzroy which I had made to your Lordship, and on which I have grounded the expression of a hope that you would take the copy of the memorial into consideration without waiting for the transmission of the original to you by the Governor. That this was Mr. Hope's wish I was the more disposed to believe, because the recent announcement of Captain Fitzroy's recall showed that his fitness to be Governor of New Zealand was not a question under your Lordship's consideration, concerning which you desired to obtain evidence. I felt myself to be placed by Mr. Hope in the position of a witness whom an attorney was examining for the purpose of preparing a brief for the plaintiff, Captain Fitzroy being the defendant. There was an earnestness in Mr. Hope's manner during his examination of me, and a zeal in the pursuit of every detail which affected Captain Fitzroy injuriously, which satisfied me at the time, and has left a fixed impression that Mr. Hope intended to encourage me to make out against Captain Fitzroy the strongest case that it was in my power to establish. Your Lordship will therefore judge of my disappointment when I state, that Mr. Hope put an end to the interview without even mentioning that memorial, which I had supposed that it was his aim to justify your Lordship in noticing, by inviting me to strengthen the grounds on which I had requested you to notice it against a general rule of your office.

This conclusion of the interview has left me completely in the dark as to your Lordship's motives in desiring that I should wait upon Mr. Hope. I am ready, if it be your Lordship's pleasure, to furnish in writing, and to substantiate by the evidence of respectable persons now in England, those additional particulars concerning Captain Fitzroy which Mr. Hope obtained from me; and if it be your Lordship's purpose to take the memorial into consideration, provided the new facts shall be deemed to strengthen the grounds on which I have ventured to beg that you would treat this case as an exception from general rules, I pledge myself to establish them.

I have, &c.

The Right Hon. Lord Stanley.

(signed) *Geo. Samuel Evans.*

Sir,

Downing Street, 26 May 1845.

I AM directed by Lord Stanley to acknowledge the receipt of your letters to him of the 6th and 22d instant, and of the printed copy of the memorial enclosed in the first of those letters.

Lord Stanley having, as you are aware, determined to appoint a successor to Captain Fitzroy, in the government of New Zealand, it is his intention to reserve for him whatever instructions he may think it right to give, as well upon the question brought under his notice by the memorial you refer to, as on others.

I take this opportunity of adding that the construction which, from your letter of the 22d, you appear to have placed upon my language and demeanour during our interview on the 16th, is a construction which they were not intended, and which I conceive they were not calculated to convey.

I have, &c,

(signed) *G. W. Hope.*

NEW ZEALAND.

RETURNS of all Claims to LAND in *New Zealand*, stated in the Schedule inclosed in the Despatch of Acting Governor *Shortland* to Lord *Stanley*, dated 15 June 1843; together with Proclamations regarding the Pre-emption of LAND in that Colony; &c.

(*Mr. Aglionby.*)

*Ordered, by The House of Commons, to be Printed,
16 June 1845.*

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